

FIFTEENTH REPORT
OF THE
BOARD OF
RAILWAY COMMISSIONERS
FOR CANADA

FOR NINE MONTHS ENDING DECEMBER 31

1919

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1921

THE BOARD OF RAILWAY COMMISSIONERS FOR CANADA.

Hon. F. B. CARVELL, K.C., *Chief Commissioner*

S. J. McLEAN, M.A., LL.B., PH.D., *Assistant Chief Commissioner.*

Hon. W. B. NANTEL, K.C., LL.D., *Deputy Chief Commissioner.*

A. S. GOODEVE, *Commissioner.*

A. C. BOYCE, K.C., *Commissioner.*

J. G. RUTHERFORD, C.M.G., *Commissioner.*

A. D. CARTWRIGHT,

Secretary.

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REPORT

OF THE

BOARD OF RAILWAY COMMISSIONERS FOR CANADA

To the Governor in Council:

Pursuant to the provisions of section 31 of the Railway Act, 1919, the Board of Railway Commissioners for Canada has the honour to submit its Fifteenth Report for the nine months ending December 31, 1919.

Since the submission of the Board's last report the Railway Act has been consolidated and amended by chapter 68 of 9-10 George V, assented to the 7th July, 1919, the Act being now cited as "The Railway Act, 1919." A number of important amendments have been made to the original Act, and attention may be called to the following:—

In connection with industrial spurs the following sections have been added:—

"186. Notwithstanding anything done under the last preceding section and notwithstanding any agreement made thereunder or otherwise the Board may, on application, permit any owner of another industry or business or any person intending to establish another industry or business, within six miles of the railway, to have traffic carried over any spur or branch line, or any part thereof, constructed pursuant to the said section or to have such spur or branch line extended: Provided that any terms and conditions which the Board thinks just and reasonable shall always be imposed, and regard shall always be had to the convenience of the owner or person having senior rights in such spur or branch line. (New.)

"187. No branch line or spur constructed pursuant to either of the last two preceding sections shall be removed without the consent of the Board. (New.)

Under the heading "Other Railways" in the Act, section 193, the following clauses (4) and (5) have been added:—

"(4) Where the proposed location of any new railway is close to or in the neighbourhood of an existing railway, and the Board is of opinion that it is undesirable in the public interest to have the two separate rights of way in such vicinity, the Board may, when it deems proper, upon the application of any company, municipality or person interested, or of its own motion, order that the company constructing such new railway shall take the proceedings provided for in subsection (1) of this section to such extent as the Board deems necessary in order to avoid having such separate rights of way.

"(5) The Board, in any case where it deems it in the public interest to avoid the construction of one or more new railways close to or in the neighbourhood of an existing railway, or to avoid the construction of two or more new

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railways close to or in the neighbourhood of each other, may, on the application of any company, municipality or person interested, or of its own motion, make such order or direction for the joint or common use, or construction and use, by the companies owning, constructing or operating such railways, of one right of way, with such number of tracks, and such terminals, stations and other facilities, and such arrangements respecting them, as may be deemed necessary or desirable. (New.)”

The following sections relating to mines and minerals have been added:—

“197. The company shall, from time to time, pay to the owner, lessee, or occupier of any such mines such compensation as the Board shall fix and order to be paid, for or by reason of any severance by the railway of the land lying over such mines, or because of the working of such mines being prevented, stopped or interrupted, or of the same having to be worked in such manner and under such restrictions as not to injure or be detrimental to the railway, and also for any minerals not purchased by the company which cannot be obtained by reason of the construction and operation of the railway.

“198. If necessary in order to ascertain whether any such mines are being worked, or have been worked, so as to injure or be detrimental to the railway or its safety or the safety of the public, the company may with the written permission of the Board, after giving twenty-four hours’ notice in writing, enter upon any lands through or near which the railway passes wherein any such mines are being worked, and enter into and return from any such mines or the works connected therewith; and for such purpose may make use of any apparatus of such mines and use all necessary means for discovering the distance from the railway to the parts of such mines which are being worked. (New). (See Ontario Statute, 1913, c. 36, s. 136.)”

Under the heading “Bridges, Tunnels and other Structures,” subsection (6) has been added to section 251, as follows:—

“(6) Upon the application of any municipality or municipalities interested, the Board may, where it deems it reasonable and proper, require the company to construct under or alongside of its track upon any bridge being constructed, reconstructed or materially altered by the company a passageway for the use of the public either as a general highway or as a footway, the additional cost to the company of constructing, maintaining and renewing which, as fixed by or under the direction of the Board, shall be paid by the municipality or municipalities as the Board may direct, and the Board may impose any terms or conditions as to the use of such passageway or otherwise which it deems proper. (New).”

Under the heading “Board May Order Railway to be Opened,” has been added section 277, reading as follows:—

“277. The Board, in any case where it deems it right, may, upon the application of any person interested, or of its own motion, order the opening of any railway or line or any portion thereof, for traffic, and may require the company to do all things necessary therefor, within such time as the Board fixes. (New.)”

Under the heading “Special Powers of Railway Companies,” the following sections have been added:—

“368. Whenever in any Special Act hereafter passed it is stated or provided that a railway company shall have power to acquire, transmit and distribute electric and other power or energy, such company, subject to the provisions of sections three hundred and seventy and three hundred and seventy-

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three of this Act, may for the purposes of its undertaking acquire, but not by expropriation, electric and other power or energy, and transmit and deliver the same to any place in the municipalities through which the railway is built, and receive, transform, transmit, distribute and supply such power or energy in any form; and may dispose of the surplus thereof, and collect rates and charges therefor, but no such rate or charge shall be demanded or taken until it has been approved of by the Board, and the Board may revise such rates and charges whenever it deems proper.

"369. (1) Whenever in any Special Act hereafter passed it is stated or provided that a railway company shall have power to transmit telegraph and telephone messages for the public and collect tolls therefor, such company may, subject to the provisions of this Act, construct and operate telegraph and telephone lines upon its railway, and establish offices for and undertake the transmission of messages for the public, and collect tolls therefor; and for the purpose of operating such lines or exchanging or transmitting messages, may, subject to the provisions of this Act, enter into contracts with any companies having telegraph or telephone powers and may connect its own lines with the lines of, or may lease its own lines to, any such companies.

"(2) No toll or charge shall be demanded or taken for the transmission of any message or for leasing or using the telegraphs or telephones of such company except in accordance with section three hundred and seventy-six of this Act, and the said company and its said business and works shall in all respects be subject to the provisions of the said section.

"(3) Part II of the Telegraphs Act, except such portions thereof as are inconsistent with this Act, shall apply to the telegraphic business of such company. (New.)"

"370. No power conferred as in the last two preceding sections mentioned and nothing in the said sections or in the Telegraphs Act, shall authorize such company to construct or operate any line along any highway or public place, without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over such highway or public place, nor without complying with any terms stated or provided for in such by-law, or authorize such company to sell, dispose of or distribute power or energy within or for use within the limits of any municipality, without the consent, expressed by by-law, of such municipality. (New.)"

Also under the heading "Offences, Penalties and Other Liability—Disobeying orders of Board," the following section has been added:—

"392. (1) Every company and every municipal or other corporation which neglects or refuses to obey any order of the Board made under the provisions of this Act, or any other Act of the Parliament of Canada, shall for every such offence, be liable to a penalty of not less than twenty dollars nor more than five thousand dollars.

"(2) Wherever it is proved that any company has neglected or refused to obey an order of the Board made under the provisions of this Act, or any other Act of the Parliament of Canada, the president, the vice-president, each vice-president where there are more than one, and every director and managing director of such company shall each be guilty of an offence for which he shall be liable to a penalty of not less than twenty dollars and not more than five thousand dollars, or imprisonment for any period not exceeding twelve months, or both, unless he proves that, according to his position and authority, he took all necessary and proper means in his power to obey and carry out, and to procure obedience to and carrying out of, such order and that he was not at fault for the neglect or refusal to obey the same.

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"(3) Wherever it is proved that any municipal or other corporation has neglected or refused to obey any order of the Board made under the provisions of this Act, or any other Act of the Parliament of Canada, the mayor, warden, reeve or other head of such corporation, and every member of the council or other ruling or executive body of such corporation, shall each be guilty of an offence for which he shall be liable to a penalty of not less than twenty dollars and not more than five thousand dollars, or imprisonment for any period not exceeding twelve months, or both, unless he proves that, according to his position and authority, he took all necessary and proper means in his power to obey and carry out, and to procure obedience to and carrying out of, such order, and that he was not at fault for the neglect or refusal to obey the same.

"(4) Nothing in or done under this section shall lessen or affect any other liability of such company, corporation or person, or prevent or prejudice the enforcement of such order in any other way.

"(5) No prosecution shall be had under this section except by leave or direction of the Board. (New.)"

Under the heading "Removing Industrial Spurs," the following section has been added:—

"398. Any company or person who, without consent or order of the Board, removes any spur or branch line constructed under or pursuant to this Act for the purpose of affording railway facilities to, or in connection with, any industry or business established or intended to be established, shall be liable on conviction to a penalty not exceeding one thousand dollars. (New.)"

Under the heading "Notification of Accidents," the following section has been added:—

"412. (1) Every railway company which wilfully or negligently omits to give immediate notice as by this Act required, with full particulars, to the Board of the occurrence, upon the railway belonging to such company, of any accident attended with serious personal injury to any person using the railway, or to any employee of the company, or whereby any bridge, culvert, viaduct or tunnel on or of the railway has been broken, or so damaged as to be impassable or unfit for immediate use, shall forfeit to His Majesty the sum of two hundred dollars for every day during which the omission to give such notice continues. R.S., c. 37, s. 412.

"(2) Every conductor or other employee who makes a report to the company of the occurrence of any such accident and fails, wilfully or negligently, to notify the Board of the same by telegraph as soon as possible after such accident, is guilty of an offence and liable, on summary conviction, to a penalty not exceeding one hundred dollars. (New.)"

PUBLIC SITTINGS OF THE BOARD.

During the nine months covered by the period from the 1st April, 1919, to the 31st December, 1919, the Board held 36 public sittings at which 285 applications were heard. The number of public sittings held in the various provinces were as follows:—

Province	Number
Ontario.. . . .	24
Quebec.. . . .	2
Manitoba.. . . .	2
Saskatchewan.. . . .	2
Alberta.. . . .	2
British Columbia.. . . .	2
Nova Scotia.. . . .	1
New Brunswick.. . . .	1
Total.. . . .	36

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The applications include a variety of matters falling within the jurisdiction of the Board under the Railway Act from the complaint of a private individual to matters of general public interest affecting the community at large.

FORMAL AND INFORMAL MATTERS.

The number of informal matters dealt with by the Board, as distinguished from matters heard at public sittings, constitutes a considerable percentage of the total applications and complaints dealt with by it, that is to say, of a total of 2,735 applications and complaints received and dealt with by the Board, 10.42 per cent were set down for formal hearing and 89.58 per cent were disposed of without the necessity of such formal hearing. These informal complaints, dealt with and settled without the necessity of a hearing, entail in many instances a considerable amount of inquiry and consideration on the part of the Board's officials, and cover a wide range of subjects, as, for example, a complaint of a more or less trivial nature to a matter of general public interest affecting the community as a whole, or involving the application of some general principle regarding the railway rates.

RAILWAY GRADE CROSSING FUND.

In accordance with the provisions of subsection (5) of section 262 of the Railway Act, 1919, provision was made that the sum of \$200,000 each year, for ten consecutive years from the first day of April, 1919, was appropriated and set apart from the Consolidated Revenue Fund for the purpose of aiding in the providing by actual construction work of protective safety, and conveniences for the public in respect of highway crossings of the railway at rail level, in existence on the said 1st day of April, the said sums to be placed to the credit of a special account to be known as "The Railway Grade Crossing Fund," to be applied by the Board, subject to certain limitations set out in the Act, solely towards the cost (not including that of maintenance and operation) of actual construction work for the purpose specified.

In dealing with such crossings, the Board issued, between the 1st day of April, 1909, and the 31st day of December, 1919, 427 orders, providing protection for 478 crossings, as follows:—

By electric bells..	258
" gates..	111
" subways	51
" overhead bridges..	23
" diversion of highways..	28
" closing of streets..	7
" removal of view obstructions..	4
" shelter..	1
" towers..	3
" bell and wig-wag..	3
" wig-wags..	2

It will be seen by comparing the total number of crossings protected with the Fourteenth Annual Report of the Board, that the increase for the nine months ending December 31, 1919, in the number of crossings protected, numbers 18, made up as follows:—

By electric bells..	6
" subways..	1
" overhead bridges..	2
" diversion of highways..	6
" closing of streets..	2
" removal view obstruction..	1
" bell and wig-wag..	3
" wig-wags..	2

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NOTE.—Eighteen crossings and 23 protections consequent on account of extra bell at one crossing and four extra diversions in connection with other crossings.

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It will be noted that under the new consolidated Railway Act provision is made that the total amount of money to be apportioned and directed and ordered by the Board to be payable from the annual appropriation, shall not in the case of any one crossing exceed twenty-five per cent of the cost of the actual construction work in providing such protection, and shall not in any such cases exceed the sum of \$15,000, and that no such money shall in any one year be applied to more than six crossings on any one railway in any one municipality, or more than once in any one year to any one crossing.

Subsection (3) of section 262 of the consolidated Railway Act provides that in case any province contributes towards the said fund, the Board may apportion, direct and order payment out of the amount so contributed by such province, subject to any conditions and restrictions made and imposed by such province in respect of its contribution.

GENERAL DECISIONS AND RULINGS OF THE BOARD.

Submitted herewith are some of the more important matters dealt with by the Board at its public sittings for the nine months ending December 31, 1919. A synopsis of the principal judgments will be found under Appendix A to this report.

GENERAL ORDERS ISSUED BY THE BOARD.

The following is a brief summary of some of the matters dealt with under the Board's General Orders:—

Direction that every railway company subject to the jurisdiction of the Board shall strictly conform to certain rules and regulations governing the handling of guard rails, vestibule doors and platforms on passenger cars, and setting forth that "suburban trains" as used in the Board's General Order No. 263 means, and applies only to, trains within commutation limits when carrying commutation traffic.

Direction authorizing the Bell Telephone Company of Canada certain increases in tolls for long-distance service, and an increase of 10 per cent on all tolls, rates, and charges for exchange telephone service and charges incidental thereto, and charges for moving telephone stations and other equipment, but disallowing "service connection charges," also authorizing that where exchange services are at present installed, the increased tolls thereby authorized and allowed shall become effective July 1, 1919.

Direction in the matter of the application of the Canadian Freight Association on behalf of railway companies subject to the Board's jurisdiction, that Supplement No. 12 to Canadian Freight Classification No. 16, as finally revised and submitted for approval of the Board, be approved.

Direction that all telegraph companies within the legislative authority of the Parliament of Canada be authorized to charge the telegraph tolls published in their respective tariffs filed with the Board.

Direction that the Standard Conditions and Specifications for Wire Crossings, as approved by the Board's General Order No. 231, dated May 6, 1918, be amended by striking out the words "three dollars" where they occur in the said order, and substituting therefor the words "eleven dollars," and providing that such payment is to cover both wages and expenses.

Direction in connection with the application of the Express Traffic Association for a general increase in rates, that the tariffs issued under the authority of the Board's judgment of the 17th July, 1919, be published and filed at least five days previous to the date on which they are to become effective, also that the express freight collection and delivery plan outlined in the judgment be given effect to, and charts of the

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boundaries thereunder be posted for the information of the public with the least delay consistent with the ascertainment by the companies of the necessary data and the acquirement of any necessary additional equipment.

Direction with regard to the equipment with marker sockets of passenger cars and cabooses by placing the same in the lower position and requiring that the cars and cabooses shall be so equipped before the 1st May, 1920; also rescinding the Board's Order No. 10453, dated May 3, 1910, and its General Order No. 127, dated July 6, 1914.

Direction with regard to any reissue of the Canadian Freight Classification, or the Express Classification for Canada, or any supplement thereto, and providing that the same shall be submitted in printed proof form for the approval of the Board before it is made effective; also directing that one copy of the proof and of the notice of publication shall be furnished by the applicant to the parties set forth in the Board's Order (No. 271), with the request that fully explained objections, if any, to the proposed changes involving increased cost of transportation be filed by them with the Board within thirty days from the receipt of the proof and notice; also providing that previous orders and regulations of the Board conflicting with the said order be rescinded.

Direction that terminal carriers that do not issue the bill of lading for the entire movement of such freight to its destination, and which are subject to the jurisdiction of the Board, shall give the shipper a local bill of lading on the appropriate form provided for in the Board's General Order No. 41, covering the movement by inter-switching service to the point of transfer to the line carrier that issues the bill of lading to the destination; or, if preferred and in lieu thereof, shall give the shipper what is commonly known as an interline or switching ticket or receipt, which shall contain the words "received subject to the conditions of the company's bill of lading, which are made a part hereof."

Direction that all railway companies subject to the Board's jurisdiction be granted an extension of time until the 30th September, 1920, within which to make the changes required under the Board's General Order No. 128, the companies being required to continue their existing practice of filing with the Board monthly reports of the progress made in complying with the requirements of the said order.

Direction of the Board that the railway companies of Canada subject to its jurisdiction be permitted to carry free of charge certain persons as enumerated in the Board's General Order No. 274.

Direction that all freight, passenger, express, telephone, and telegraph tariffs, and supplements thereto, applying between points in Canada, or from a point in Canada to a foreign country, filed with the Board, shall, except as provided in General Order No. 275, indicate advances made by the symbol "A" and reductions by the symbol "R," with the necessary explanatory note; also providing further, if it is found impracticable in a certain case to indicate changes by either of the methods prescribed, that application may be made to the Board for relief from the provisions of the order.

In re LONDON AND PORT STANLEY RAILWAY COMPANY.

The London and Port Stanley Railway, a steam railway recently operated by electricity in a densely populated part of Ontario, may be taken as showing in the highest degree the economies of electric railway operation. To provide for capital charges on the value of the undertaking, and cost of change in the system of operation, as well as for the large increases in wages of employees and costs of supplies, an increased revenue is necessary in order to operate the line as a commercial venture, without loss to the owners or depreciation in the property. Accordingly the passenger toll of 2½ cents per mile was increased by 15 per cent, and the toll on coal by 15 cents

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per ton, as in the case of the steam railways. The Board will extend similar relief to any other electric line whose operation and financial condition require it.

In re Eastern Tolls (Eastern Toll Case), 22 Can. Ry. Cas. 4; *in re Increase in Passenger and Freight Tolls (Increase in Rates Case)*, 22 Can. Ry. Cas. 49, followed.

The facts are fully set out in the judgment of the Chief Commissioner, dated March 28, 1919, concurred in by Mr. Commissioner McLean. 24 Can. Ry. Cas., p. 160.

ADOLPH LUMBER COMPANY V. GREAT NORTHERN RAILWAY COMPANY.

The universal basis in fixing tolls is the weight of the product carried, a comparison therefore between the toll on a carload of the product and the quantity of raw material required to produce it is impracticable.

The tolls on logs between Dorr and Baynes, B.C., not shewn to have been reasonable.

The facts are fully set out in the report of the Chief Traffic Officer of the Board, dated the 28th March, 1919, concurred in by the Chief Commissioner and Commissioners Goodeve and Rutherford, 24 Can. Ry. Cas., p. 173.

In re DAYLIGHT SAVING ACT, 1918.

The Board has no jurisdiction under the Railway Act (ss. 30, 268, 270 and 307), to prevent the use by railway companies of any specific time, unless such use is shewn to be against the comfort, convenience and safety of the travelling public and railway employees.

The Daylight Saving Act, 1918, according to the ordinary canons of construction, remains in force until repealed.

Parliament having stated its intention that the operation of the Daylight Saving Act should not extend beyond the year 1918, it is inadvisable that the Board should under all the circumstances take any action under it.

The Board is both a judicial and administrative body, its jurisdiction is largely discretionary and in some instances legislative in its character.

The facts are fully set out in the judgment of the Chief Commissioner, dated March 29, 1919. 24 Can. Ry. Cas., p. 199.

APPLICATION OF LAVAL DES RAPIDES *re* STATION FACILITIES, CANADIAN PACIFIC RAILWAY.

This was an application of the town of Laval des Rapides, on isle Jesus, for better station facilities, the town being situated on the line of the Canadian Pacific Railway Company. Opposite the town on the island of Montreal there is a station called Bordeaux, with a regular agent, which people from Parc Laval and the surroundings use, but for persons residing in Laval it means a ten-mile trip each time.

Numerous complaints were filed with the Board and the report made by one of its inspectors goes to show that the method of handling business proved very unsatisfactory, the box car used by the company as a freight shed on the siding at Laval being tampered with and goods stolen or destroyed.

The case was heard in Montreal on January 16, 1919, all parties interested being represented at the hearing.

Held, Deputy Chief Commissioner Nantel in his judgment, April 8, 1919, concurred in by Chief Commissioner Drayton and Commissioner McLean, that a shelter and platform should be erected at the point in question and a caretaker put in charge.

APPLICATION OF T. M. KELLY, SEBRINGVILLE.

This was an application of T. M. Kelly, of Sebringville, Ont., on his own behalf as well as on behalf of a number of farmers tributary to Sebringville, on the line of the Stratford and Goderich Branch of the Grand Trunk Railway, asking for the estab-

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ishment of a siding to accommodate about four cars, also a small shelter with a freight shed or freight room attached, to be located at or near the site indicated, at the crossing at mileage 38, about midway between Sebringville and Mitchell stations, which were eight miles apart. It was made to appear in support of the application that the district to be served by the facility asked was one of the best, if not the best, farming sections in the province of Ontario; that certain of the farmers although living within three miles of the railway were nine or ten miles from a station.

Held, Commissioner A. C. Boyce, in his judgment, April 11, 1919, 24 Can. Ry. Cas. 367, concurred in by Mr. Commissioner McLean, that the discretion appealed to was a judicial one and must be carefully exercised by the Board to avoid injury instead of benefit not only to local shippers, but to all served by the railway system. Held, further, that the precedent which would be created by the granting of the application was not a desirable one, and that there was no preponderance of necessity to justify special treatment in the case, and the application must, therefore, be dismissed.

Re Staunton, Alta., re Ribstone, Alta., and in re St. Louis de France, County of Champlain, referred to.

*In re APPLICATION OF THE CORPORATION OF THE TOWNSHIP OF NEPEAN AND OTTAWA
ELECTRIC RAILWAY COMPANY.*

This was an application of the Ottawa Electric Railway Company for leave to appeal to the Supreme Court on an issue of law from two several orders of the Board, No. 27830, dated November 6, 1918, suspending tariff C.R.C. No. 5 of the company, and Order No. 28120, dated February 25, 1919, disallowing said tariff. The following are the questions to be submitted:—

1. Whether, upon the proper construction of the agreements with the city of Ottawa and the village of Hintonburg, the statutes relating to the Ottawa Electric Railway Company and the relevant provisions of the Railway Act (the evidence adduced, the exhibits filed, and what was alleged by council), the Board was right in disallowing the tariff of the company filed providing for payment of additional fare for carriage upon the extension from Holland avenue, notwithstanding that the Board has found as a fact that the company did not require additional revenue.

2. Also whether, upon the proper construction of the said agreements, statutes, evidence, and exhibits for the purpose of computing the toll to be charged to passengers upon the said extension, the point of commencement of the said extension should be considered to be at Holland avenue or at the formerly westerly limit of the village of Hintonburg, now the city of Ottawa.

Held, Chief Commissioner Drayton, in his judgment, April 14, 1919, concurred in by Assistant Chief Commissioner McLean, that the application be granted subject to the following question being submitted to the court on the matter of jurisdiction:—

“Has the Board the right to treat the company’s operations as a whole, and continue the existing tariff; or must the Board permit the filing of tariffs on a mileage basis covering services on the Britannia line without reference to the larger part of the system covered by municipal agreement?” 26 Can. Ry. Cas.

In re BELL TELEPHONE COMPANY INCREASED TOLLS.

1. Telephones, Tolls, Increase, Temporary, Emergency, Revision, Operation, Costs.

As an emergency measure, in view of sharp advances in operating costs, the Board authorized temporary increases in telephone tolls, but retained control of the case, so that revision of the emergency tolls might be considered later.

2. Telephones, Tolls, Temporary Increase, Increase of Material and Wage Costs, Emergency, Division of Burden, Depreciation, Deficit.

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In disposing of an application for increase of telephone tolls, the Board took into consideration the increase of material and wage costs, the company's various assets and resources, and its dealings with reserves, depreciation and replacements. It held that the burden of the emergency shown to exist should be divided between the company and the public, by charging part of the deficit against the company's allowance for depreciation, leaving the company to bear the loss prior to the date of the order and allowing temporary increases in exchange and long distance tolls.

3. Telephones, Connection, Installation, Jurisdiction. 2 Edward VII, chapter 41, section 2.

In view of the provisions of 2 Edward VII, chapter 41, section 2, the Bell Telephone Company has no power to impose, nor the Board to authorize, charges for connection or installation of telephones.

Canadian Oil Cos. v. Grand Trunk, Canadian Pacific and Canadian Northern Ry. Cos., 12 Can. Ry. Cas. 350, at page 355; *Manitoba Dairymen's Association v. Dominion and Canadian Northern Express Cos.*, 14 Can. Ry. Cas., 142, at page 148; *City of Montreal v. Bell Telephone Co.*, 15 Can. Ry. Cas. 118, at pages 129-135, followed.

The facts are fully set out in the judgment of Mr. Commissioner McLean, dated the 24th of April, 1919. 25 Can. Ry. Cas., p. 1.

In re APPLICATION OF CITY OF VANCOUVER, AND VANCOUVER, VICTORIA AND EASTERN RAILWAY AND NAVIGATION COMPANY.

This was an application of the city of Vancouver to the Board for an order directing the Vancouver, Victoria and Eastern Railway and Navigation Company to remove the interlocking system at the crossing of the British Columbia Electric Railway Company on Powell street, in the city of Vancouver.

The matter was heard at a sittings of the Board held in Vancouver on February 14, 1919.

Held, Chief Commissioner Drayton in his judgment, May 13, 1919, concurred in by Mr. Commissioner Rutherford, that it was impossible to give effect to the application, and that to do so would imperil the lives of passengers in crowded street cars. Held, further, that the general public could not be placed in such a position of danger by an order of a Board charged with the duty to protect public safety. Held, further, that the cost of maintenance of the interlocking system be divided in equal proportions between the Great Northern and the Canadian National Railway Companies.

In re COMPLAINT OF THE BRIGHTON BOARD OF TRADE.

This was a complaint lodged with the Board by the Board of Trade of Brighton, Ont., for an order directing the C.P.R., the G.T.R. and the C.N.R. Companies to construct at Brighton interchange tracks for the purpose of handling carload traffic between the above-mentioned three railways.

The case was heard at a sittings of the Board in Toronto on the 13th January, 1919, when judgment was reserved in order to give the Grand Trunk Railway Company an opportunity to reply to certain statements made on behalf of the Dominion Cannery, Limited, and the Brighton Board of Trade.

The facts are fully set out in the judgment of Mr. Commissioner Goodeve, May 14, 1919, concurred in by Assistant Chief Commissioner McLean.

Held that the Dominion Cannery Company submit its proposed plans to the three railway companies, together with representatives of the other industries at this point, and to endeavour to see if an arrangement could not be arrived at for a consent order.

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In re COMPLAINT OF THE TAYLOR MILLING AND ELEVATOR COMPANY, LIMITED, LETHBRIDGE, ALTA., *re* CLASSIFICATION OF DR. RUSK'S CHICK FOOD.

This case was heard at the sittings of the Board held in Lethbridge, Alta., February 24, 1919, when the matter was in part dealt with at the hearing.

At the hearing the companies were tentatively directed to classify the chick food commodity in question as fourth class in less than carloads and eighth class in carloads. The company subsequently put in a tariff covering the l.c.l. movement at the rate which was mentioned at the hearing.

The company objected to classifying the product in the eighth class for the carload movement. Further consideration of the matter supported the tentative conclusion previously arrived at.

Held, Chief Commissioner Drayton, in his judgment, May 20, 1919, concurred in by Mr. Commissioner Rutherford, that the reduction from third to fourth class should be sufficient for these extraneous enclosures. The facts are fully set out in the judgment referred to.

ONTARIO PAPER COMPANY V. GRAND TRUNK RAILWAY COMPANY.

A toll of 22 cents per 100 pounds on newsprint from Thorold, Ont., to Chicago, Illinois, U.S.A., was not found to constitute an unjust discrimination or undue preference in favour of competitors in the Chicago market.

The facts are fully set out in the judgment of Mr. Commissioner McLean, dated June 26, 1919, concurred in by the Chief Commissioner, the Deputy Chief Commissioner and Mr. Commissioner Goodeve. 24 Can. Ry. Cas., p. 177.

In re APPLICATION OF THE TEMISCOUATA RAILWAY FOR INCREASE IN ITS STANDARD PASSENGER FARE.

This was an application of the Temiscouata Railway Company for permission to increase its standard passenger fare to four cents per mile, in conjunction with a complaint of the municipality of Ste. Rose du Degele, P.Q., against the cancellation of second-class fares by the railway company. Prior to the increase in the *Fifteen Per Cent Case*, the standard passenger fare was 3.3 cents. When the increase in the *Fifteen Per Cent Case* was made, the increase was limited to 3.45 cents, being 15 per cent on a 3-cent standard base. This allowed an increase of 3 per cent over the standard fare hitherto charged. Had the full 15 per cent on the 3.3 cent rate been allowed, it would have given a rate of 3.82 cents.

Complaint was also made of the railway having taken out its second-class fares on its main line. This was effective June 16, 1919. No application for suspension was received.

The facts are fully set out in the judgment of Assistant Chief Commissioner McLean, July 25, 1919, concurred in by Deputy Chief Commissioner Nantel and Mr. Commissioner Boyce.

Held, on consideration of all material factors concerned, that a case for increasing the first-class standard fare to 4 cents per mile had been made out, and that the increased rate might become effective on compliance with the provisions of the Railway Act as to standard passenger fare publication.

Held, further, that there is no provision contained in the Railway Act as to provision for second-class fares, and that even if the Board had discretion to direct the installation of second-class fares—a point that it was not necessary to pass upon—the facts as developed in regard to cost conditions and revenues did not warrant the exercise of this discretion by way of direction for their reinstallation on the Temiscouata railway.

Eastern Townships Lumber Company v. Temiscouata Railway Company, 16 Can. Ry. Cas., at p. 260, referred to.

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In re QUEBEC, MONTREAL AND SOUTHERN RAILWAY COMPANY.

The Board allowed the agents at six stations to be dispensed with and refused the application in the case of six others.

The facts are fully set out in the judgment of the Chief Commissioner, dated July 10, 1919, concurred in by the Deputy Chief Commissioner and Mr. Commissioner McLean. 24 Can. Ry. Cas., p. 229.

EXPRESS TRAFFIC ASSOCIATION V. CITIES OF MONTREAL, TORONTO, WINNIPEG, *et al.**Express Tolls Case.*

1. Express, Tolls, Railways, Transportation, Facilities, Payment, Organization.

Notwithstanding that express companies are in effect owned by the railways over whose lines they operate, the payments made by the express companies to the railways are to be allowed for in fixing express tolls, since the railways are entitled to payment for the transportation and facilities they afford, and the further and additional service given by the express organization must also be recognized. Under present circumstances there is no room for the claim that railway earnings are exorbitant.

2. Express, Railway Function, Tolls, Additional, Reasonableness, Subsidiary Company.

Express business is a railway function, and the reasonableness of express tolls is to be determined on the same basis as if the express service were rendered by the railway company itself, instead of by a subsidiary company, the introduction of an express company not justifying any additional charge. The reasonableness of the charges made by the railway company against the express company is therefore a proper subject of investigation in order to determine the reasonableness of express tolls.

3. Express, Tolls, Railway Service, Value, Additional, Service, Express Facilities.

In fixing express tolls, the questions to be determined are what the railway service is worth, and what amount should be added for the additional service due to express facilities.

4. Express, Tolls, One and a half times freight tolls plus sixty cents, Cost of Operation.

After consideration of express accounts of express companies and of railway costs, including a comparison of earnings of express cars with those of passenger, freight, and sleeping cars per car mile, the Board found that one and a half times the standard freight toll would be reasonable as a basis for the rail service included in express service; and that there might be added to this, in order to arrive at a reasonable express toll, sixty cents per 100 pounds for the additional service afforded by express facilities, this sixty cents representing the express companies' cost of operation with a small, but reasonable, profit on their activities.

5. Express, Tolls, Commodity, Standard Maximum, "Merchandise" Toll, Classification.

The underlying basis of express tolls is the standard maximum "merchandise" rate on which all other tolls should be predicated. Commodity tolls should be calculated at an approximate fraction of the standard toll; and the toll for bulky articles taking a higher classification by the addition of the appropriate fractions over the merchandise toll.

6. Express, Tolls, Higher than Freight.

Express tolls ought to be materially higher than standard first class freight tolls; should be so set out as to be easily understood; and should bear equally and fairly on all shippers under similar circumstances and conditions.

7. Express, Tolls, Special, Commodity, Increase, Public Interest, Financial Relief, Wagón Service, C.L. and L.C.L., Return of Empties, Unloading, Intermediate Points.

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In refusing to allow the express companies to discontinue special "commodity" tolls, the Board took into consideration that any increase of tolls on these "commodities," which are articles of large consumption and daily necessity, would afford an excuse for further increase in cost to the consumer, out of proportion to the increased tolls allowed; that in view of present high cost of necessities of life such an increase of tolls would not be in the public interest, nor in that of the express companies themselves; that such increase would bear too hardly on the producer; and that the increase allowed in ordinary "merchandise" tolls would afford sufficient financial relief to the companies. Special directions given as to wagon service on car load and less than car load commodities; return of empties; and partial unloading at intermediate points.

8. Express, Tolls, "Block" System.

The Board authorized the adoption of the "block" system of stating tolls on all Canadian express lines, following a report of the chief traffic officer, explaining the system.

9. Board, Decisions, Intimidation, Illegal, Punishment, Contempt.

Attempts to influence decisions of the Board by intimidation or other improper methods are illegal and are punishable by proceedings for contempt.

10. Express, Free Delivery, Extension, Basis, Density of Population, Distance, Condition of Roads.

The Board ordered that free delivery by wagon be continued where already given, and that extensions of free delivery service be given in accordance with specific rules enumerated by the Board based on density of population, distance, and condition of roads.

11. "Pay Zones," Abolition, Free Delivery Limits.

The Board ordered that "pay-zones" outside free delivery limits be abolished.

12. Unjust Discrimination, Free Delivery, Toll, Reduction, Wagon Service.

To remove unjust discrimination due to free delivery at some points and no free delivery at others, the Board ordered a reduction of 15 cents from the toll per 100 pounds in the case of points having a one-wagon service and of 30 cents where no wagon service given.

13. Tolls, Express, Special Circumstances, Arbitrary Toll, Ferry Service, Through Haul.

Under the special circumstances described in the judgment, the ferry service between Prince Edward Island and the mainland should be regarded merely as an incident in the through haul, and the proposed arbitrary charge of 25 cents per 100 pounds for such service should be struck out.

The facts are fully set out in the judgment of the Chief Commissioner (Sir Henry Drayton), July 17, 1919. 25 Canadian Railway Cases, p. 61.

In re APPLICATIONS OF THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO.

Applications were made to the Board by the Hydro-Electric Power Commission of Ontario for authority to construct a canal and construction railway across the rights of way of the Toronto and Niagara Power Company and the Toronto, Niagara and Western Railway Company on lots 124 and 187 in the township of Stamford, province of Ontario.

These applications were heard at a sittings of the Board held in Ottawa on June 10, 1919, when the question of the Board's jurisdiction was raised by counsel for the Toronto and Niagara Power Company. The position of that company was that **not** only had the Board no jurisdiction to permit the crossings, but that the Hydro-Electric Power Commission had not the right in law to embark upon and carry out the canal power project. It was shown that an action was pending raising the question of **the** status of the Hydro-Electric Power Commission.

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The facts are fully set out in the judgment of Chief Commissioner Drayton, August 1, 1919, concurred in by Mr. Commissioner Goodeve and Mr. Commissioner Rutherford.

Held that the orders already issued were entirely without prejudice to the company's right to object to the construction of the canal as such, and the company was left with its appropriate remedy in the courts.

CITY OF MONTREAL *v.* CANADIAN PACIFIC AND GREAT NORTH-WESTERN TELEGRAPH
COMPANIES

Where urban development has reached such a stage that the city's wires and poles are being placed underground, the Board will order telegraph companies to adopt underground construction for their wires at their own expense, or where the work is done by the municipality, and ducts may be rented from it, then upon such terms or rental as may be agreed upon between the parties.

The facts are fully set out in the judgment of the Chief Commissioner, dated August 1, 1919, concurred in by the Deputy Chief Commissioner and Mr. Commissioner Goodeve. 24 Can. Ry. Cas., p 226.

APPEALS FROM DECISIONS OF THE BOARD.

For the nine months ending December 31, 1919, there was one appeal made to the Governor in Council, and no appeals to the Supreme Court of Canada from the decisions of the Board.

With reference to the appeal to the Governor in Council, this was an appeal of the National Dairy Council of Canada on behalf of the Canadian Association of Ice-cream Manufacturers against an order of the Board, dated October 9, 1919, dismissing the application of the appellants to have ice-cream classified as food under second-class rates instead of being classified as merchandise under first-class rates. The appeal is still pending.

ORDERS, GENERAL ORDERS AND CIRCULARS.

The total number of orders issued for the nine months ending December 31, 1919, was 1,015. The number of general circulars issued by the Board directed to all railway companies subject to its jurisdiction for the year was 11. The general orders as distinguished from other orders issued by the Board are those affecting all railway companies subject to the Board's jurisdiction. It will be noted that the number of general orders issued by the Board for the nine months ending December 31, 1919, was 19.

A list of the general orders and circulars for the nine months ending December 31, 1919, will be found compiled under Appendix F to this report.

JUDGMENTS OF THE BOARD.

A summary of the principal judgments of the Board delivered between the 1st April, 1919, and the 31st December, 1919, will be found under Appendix A.

APPLICATIONS TO THE BOARD.

The total number of applications, including informal complaints made to the Board for the nine months ending December 31, 1919, was 2,735.

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TRAFFIC DEPARTMENT OF THE BOARD.

In the Traffic Department of the Board the number of tariffs received and filed for the nine months ending December 31, 1919, was as follows:—

Freight tariffs, including supplements.. . . .	19,913
Passenger tariffs, including supplements.. . . .	8,152
Express tariffs, including supplements.. . . .	3,944
Telephone tariffs, including supplements.. . . .	4,316
Sleeping and parlour car tariffs, including supplements.. . . .	142
Telegraph tariffs and supplements.. . . .	4
Total.. . . .	<hr/> 36,471 <hr/>

The total number of tariffs filed from February 1, 1904, to December 31, 1919, was 877,094.

The details in regard to the tariffs will be found under Appendix B to this report.

ENGINEERING DEPARTMENT OF THE BOARD.

In the Engineering Department of the Board a large number of inspections were made covering the whole Dominion. These inspections for the nine months ending December 31, 1919, number 169, and cover inspections for the opening of a railway for the carriage of traffic, pursuant to the requirements of section 261 of the Railway Act, inspections of culverts, highway crossings, cattle guards, road crossings, bridges, subways and general inspections falling within the scope of the work of the Engineering Department of the Board.

OPERATING DEPARTMENT OF THE BOARD.

Under the work of this department is included the inspection of locomotive boilers and their appurtenances, the inspection of safety appliances on cars and locomotives, the investigations into accidents causing personal injury or loss of life, the reporting on the location of stations, matters of protection at highway crossings, and train and station service performed by the railway companies.

Under Appendix C will be found a full and detailed report of the Chief Operating Officer of the department.

ACCIDENTS AND ACCIDENT INVESTIGATIONS.

Owing to the fact that the report of the Board's Chief Operating Officer is for a period of nine months ending the 31st December, 1919, this being necessitated by the amendment to the Railway Act altering the date of the report of the Board from the 31st March to the 31st December in each year, it is not deemed practicable to make any comparison with previous years.

Full particulars of passengers and employees killed and injured, and other general information in regard to trespassers killed and injured, accidents at protected and unprotected crossings, etc., will be found under Appendix C.

FIRE INSPECTION DEPARTMENT OF THE BOARD.

The policy of the Fire Inspection Department of the Board, of co-operation with the various Dominion and provincial fire protective organizations, has been carried out as in previous years.

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A total of 1,327 fires from all causes were reported as originating within 300 feet of railway lines in forest sections subject to the jurisdiction of the Board. This is an increase of 183 fires over the figures for the preceding year. Of these fires, 504 were of an incipient nature and did no damage; 77.8 per cent are definitely attributed to railways, 4.9 per cent to known causes other than railways, and 17.2 per cent to unknown causes. A total area of 246,987 acres were burned over; 86.6 per cent of this area was burned over by fires definitely attributed to railways, 3.7 per cent by fires due to known causes other than railways, and 9.7 per cent to fires of unknown origin.

The total damage by all these fires is estimated at \$536,632; of this, the railways are charged with 95.9 per cent, while 0.4 per cent is charged to known causes other than railways, and 3.7 per cent to unknown causes. The aggregate monetary damage due to fires is \$434,216 greater than in 1918.

Under Appendix D will be found a full and detailed report of the Chief Fire Inspector.

ROUTINE WORK OF THE BOARD.

RECORD DEPARTMENT.

Since the publication of the last annual report there has been no change in connection with the clerical staff of this department.

Below is given a table setting forth the number of applications filed, and letters received, during the nine months ending December 31, 1919, together with the number of orders issued:—

Number of applications made..	2,735
“ “ filings received during the year..	26,109
“ “ out-going letters during the year..	17,502
“ “ orders issued during the year ..	1,012

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STATEMENT showing the applications made to the Board under the various Sections of the Railway Act, for the nine months ending December 31, 1919.

Sections of Railway Act.	April.	May.	June.	July.	Aug.	Sept.	Oct.	Nov.	Dec.	Totals.
Rescinding of orders.....	11	5	7	6	2	4	9	5	12	61
Rules and regulations.....			4							4
Extension of time.....	3	3	8	5	9	2	6	3	7	46
Location of line.....		2	2	5	5	8	2	9	1	34
Route map.....		7	7	1			1	1	1	18
Railway, as constructed.....	5		3	1		1	1	3		14
Deviation of line.....	4	2	2	2	1	1	3	1		16
Expropriation of lands.....	1	3	1	2	1	3	2	2		15
Appeal to Governor in Council.....							1			1
Branch lines of railways.....	12	20	18	11	25	31	30	33	23	203
Railway, crossings and junctions.....				2	4	5	1	3		15
Interlocking appliances.....	4	1		2	7	1	4	1	2	22
Highway crossings.....	21	42	34	9	23	9	15	10	16	179
Highway diversions.....	2	10	3	2	6	4	2	6	5	40
Protection at crossings.....	5	9	2	4	6	11	10	9	7	63
Telegraph and telephone lines.....			1			1				2
Telegraph and telephone connections.....	1			1		1		1		4
Telegraph wire crossing.....			1			1				2
Power wire crossings.....		2		2	2					6
Telephone agreements.....	3	5	2	1	4	1	5	5	4	30
Water pipes.....			1			1	1		1	4
Sewers.....	3		1	1	1	1	1	2		10
Culverts.....		2	2	1		1	1		7	14
Farm crossings.....	4	4	2	3	2	5	2	1	2	25
Protection at farm crossings.....						1				1
Cattleguards.....	1		1	2			1			5
Fencing of right of way.....	2	3	5	3	1	3	2	1	2	22
Construction—Navigable waters.....				2						2
Bridges.....		24	19	15	16	4	14	13	16	121
Tunnels.....	7									7
Stations.....	12	3	11	7	1	8	2	1		45
Condition of stations.....									1	1
Station accommodation and agents.....	10	37	16	5	12	13	20	12	11	136
Condition of roundhouses.....							3			3
Opening of railway.....	3	1	2						4	10
Condition of railway.....	6	3	7	2	2	6	1	8	5	40
Rolling stock.....		1	1	1		6	4	1		14
Train service.....	12	11	5	5	3	5	10	6	13	70
Working of trains.....		6	3		2	4	8	1	2	26
Obstruction to traffic.....			2				1	1		4
Accommodation for traffic.....	6	4	7	5	10	10	6	3	7	58
Dangerous commodities.....									1	1
Accident reports.....	17	29	30	32	35	20	43	42	33	281
Thistles and weeds.....					1					1
Fires from locomotives.....			1							1
By-laws, re tolls.....	1		1	1		1			3	7
Equality in tolls.....		1								1
Interswitching.....	3		1	3	1			1	3	12
Freight classification.....						2		1	2	5
Disallowance of tariffs.....	1	1			2			1	1	6
Standard freight tariffs.....			2	3	2	2	1		3	13
Standard passenger tariffs.....					1	2	2	1	1	7
Local freight tariffs.....	1	1						1		3
Adjustment in rates.....	4	5	4		1	3	3	1		21
Special tariffs.....	2	2		1	1	1	7	3	9	26
Provisions for carriage.....		1			1			1		3
Express tolls.....						1	1		1	3
Carriage by express.....		3	1	3	1	5		2	6	21
Telephone tolls.....			3	1				1		5
Traffic agreements.....				1	2	2	1		1	7
Inquiries.....	17	18	10	12	13	8	10	11	15	114
Complaints.....	68	63	74	72	47	103	90	90	71	678
Miscellaneous.....	17	16	10	13	12	18	16	6	18	126
Totals.....	269	350	317	250	265	320	343	304	317	2,735

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APPENDIX A.

PRINCIPAL JUDGMENTS OF THE BOARD FOR THE NINE MONTHS
ENDING DECEMBER 31, 1919.*Re* CANADIAN PACIFIC TRAIN SERVICE

The Board has had before it the question of train service given by the Canadian Pacific Railway on—

- (1) Suffield-Lomond Branch, which runs out of Suffield into Lomond, Alberta.
- (2) Irricana-Bassano subdivision, which runs southeast from Irricana to Bassano, a point on the main line.
- (3) Sterling-Manyberries Branch, which runs out of Sterling to Manyberries.
- (4) Langdon Subdivision, having regard to movement from Langdon, Irricana, and Acme.

The present schedules of the company were reduced and the earnings were such that the reduction was justifiable during the past winter. Conditions have now changed and better service is required to enable proper development during the ensuing season.

The present service on the Suffield-Lomond Branch consists of one mixed train a week. This service now ought to be improved, and the old service which consisted of two trains a week restored.

Irricana-Bassano subdivision. The same considerations should apply here. The present service is one train a week. The old schedule which called for two trains a week should be again put in force.

On the Sterling-Manyberries Branch the old service of two trains a week should be restored.

The complaints from Keoma and Dalroy, on the Langdon Subdivision, is that the present mail service is entirely insufficient. At the present time there is no mail service between Wednesday and Saturday. With the restoration of a service consisting of two trains a week between Calgary and Bassano via Irricana, settlers on this line will have four trains a week.

Their complaint is, therefore, answered by the action above indicated. New train schedules ought to become effective within one week.

APPLICATION OF THE CITY OF TORONTO *re* TORONTO TERMINALS RAILWAY COMPANY

Application was made by the corporation of the city of Toronto for leave to appeal under section 56 of the Railway Act. The application was opposed by the Toronto Terminals Railway Company, that company objecting entirely to any question being submitted.

While it is true that no answer whatever was made to the application on its merits, that the city is protected, and that railway operations in the city terminals can be carried on more cheaply than they otherwise would, the Board was of the opinion that leave ought to be given.

The position, is that while the present order may not injure the city, it fears it may establish a precedent to enable other structures to be built and placed upon public highways under circumstances which might injure the municipality. While the Board cannot conceive of this happening in connection with the operations of the Toronto Terminals Company, and while in the past orders have been made without any question as to the right of the Board to make them, carrying conduits under rail-

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way tracks, I would follow the Board's settled practice of granting leave to appeal to the Supreme Court of Canada on any legal question on which the Board's final adjudication depends and which is debatable.

Under the circumstances, and in view of the merits as stated at the hearing of the application, no stay of proceedings will be granted. The parties have agreed on the form of question to be submitted, as follows:—

“Whether the judgment of the Board, as set out in the reasons for judgment, was right in determining that the Railway Act, Revised Statutes of Canada, 1906, chapter 37 (as amended), and particularly sections 2 (21), 151 (k), 235, and 237 thereof, and 6 Edward VII, chapter 170 (Canada) confer upon the Toronto Terminals Railway Company the right, subject to the approval of the Board, to construct upon the highways of the city of Toronto the works authorized by the order of the Board.”

Order issued accordingly.

APPLICATION OF CITY OF BRANTFORD *re* SUBWAY ST. PAUL'S AVENUE, BRANTFORD, GRAND TRUNK RAILWAY COMPANY.

This was an application of the city of Brantford for an order directing that the proposed subway at St. Paul's avenue, Brantford, under the tracks of the Grand Trunk Railway Company, be a vehicular subway, including sidewalks for pedestrian traffic, and that the Grand Trunk Railway Company bear the additional expense should the subway be built to accommodate the future requirements of the company.

The application was heard at a sittings of the Board held in Ottawa on July 8, 1919. In so far as the legal position of the parties was concerned that question was dealt with in the judgment of former Assistant Chief Commissioner Scott on a previous application made by the city and heard in Hamilton on April 12, 1917, authorizing the construction of a subway for pedestrians.

The facts are fully set forth in the judgment of Chief Commissioner Drayton, dated August 1, 1919, concurred in by Mr. Commissioner Goodeve. Held that under the circumstances the movement in the railway company's interest would be confined to the necessary movement on the double track in and out of Brantford, and that at present there was no condition that would render other tracks over the subway necessary, conformable to good railway practice. Held, further, that if it became necessary the matter could be dealt with on an application made subsequently by the railway company to the Board, and that for the present the Board would approve the plans of the city providing merely for a two-track subway.

APPLICATION OF THE NATIONAL ELEVATOR COMPANY, LIMITED, WINNIPEG, MAN., *re* ABSORPTION OF SWITCHING CHARGES.

This was an application of the National Elevator Company, Limited, of Winnipeg, Man., for a ruling of the Board in the matter of absorption of switching charges by a railway company in cases where a car of grain is shipped from the applicants' elevator at Port Arthur, on the Canadian National Railways, and then switched over to the Canadian Pacific Railway and billed to Cartier for orders, the applicants paying a stop-off charge and then rebilling the car to Montreal or Quebec as destination.

It appeared that the grain could be shipped from any elevator on the Canadian National Railways at the head of the lakes to Capreol, with the privilege of being held at that point for orders for furtherance to destination; also, in like manner, all grain in elevators served by the Canadian Pacific Railway Company might be forwarded to Cartier with the like privilege. It further appeared that grain so forwarded had

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not to be interswitched; that no unnecessary rail service had to be performed and that at certain periods the head of the lake terminals of both systems were busy and the grain movement most intensive. It was also shown that the present issue related to cars moved off the terminals of the one line to the tracks of the other for the eastern movement with the right of stop-off.

The facts are fully set out in the judgment of Chief Commissioner Drayton, dated August 1, 1919, concurred in by Deputy Chief Commissioner Nantel and Commissioners Goodeve and Boyce, holding that there was no discrimination between the shippers and that like privileges were open to all, and all shippers to a stop-off point receive the same treatment, and that the application should be dismissed.

APPLICATION OF THE DOMINION MILLERS' ASSOCIATION *et al* FOR REVISION OF RULE NO. 9,
BOARD'S GENERAL ORDER NO. 201.

This was a complaint made by shippers and consignees who desired that the present demurrage tolls should be decreased. No complaint was made as to the basis of the present tariff. On the other hand, shippers thought it more equitable than the tariff in force in the United States. The whole question, therefore, was one of the amount.

The application was opposed by the railway companies, who were desirous of getting as many cars as possible on hand for the grain movement and of keeping terminals as free as possible, so as to prevent congestion and blocking the movement.

The facts are fully set forth in the judgment of Chief Commissioner Drayton, dated August 1, 1919, concurred in by Commissioners Goodeve and Boyce, holding that in the public interest no reduction could be made under the existing circumstances, and that the application should be dismissed.

APPLICATION OF THE CANADIAN PACIFIC RAILWAY COMPANY TO RESCIND ORDER OF THE BOARD
re OAKVILLE TRAIN SERVICE.

This was an application of the Canadian Pacific Railway Company to the Board for an order rescinding Order No. 27688, dated September 16, 1918, in the matter of the stoppage of the company's train No. 821 at Oakville, Ont.

The facts are fully set out in the judgment of Mr. Commissioner Goodeve, dated August 8, 1919, concurred in by Mr. Commissioner Boyce, granting the application.

APPLICATION OF J. L. ATKINSON, KILGARD, B.C., FOR FARM CROSSING, VANCOUVER, VICTORIA
AND EASTERN RAILWAY.

This was an application of J. L. Atkinson, of Kilgard, B.C., for an overhead farm crossing over the tracks of the Vancouver, Victoria and Eastern Railway and Navigation Company.

The facts are fully set out in the judgment of former Assistant Chief Commissioner Scott, dated June 26, 1918, concurred in by Chief Commissioner Drayton and Commissioner Goodeve, dismissing the application, Commissioner Boyce dissenting.

APPLICATION OF CANADIAN PACIFIC RAILWAY COMPANY FOR RESCISSION OF BOARD'S ORDER NO.
26671.

This was an application of the Canadian Pacific Railway Company for reconsideration and rescission of the Board's Order No. 26671, dated October 22, 1917, in connection with switching charges on cars at Drumheller, Alta.

The order referred to was issued in accordance with the judgment of Mr. Commissioner Goodeve, concurred in by Chief Commissioner Drayton, based on the evidence as submitted at the hearing in July, 1916, at the sittings of the Board held at Calgary.

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The company were given an opportunity to file a statement showing the practices which in fact apply in connection with other private sidings, and at the coal mines, and the company filed its memorandum covering these points, dated at Winnipeg, November 23, 1917. On receipt of this memorandum the whole matter was referred to the Board's Chief Traffic Officer with a direction to make a careful study of the whole situation and submit his report to the Board as of the above information, as well as previous evidence taken. Following this direction the Board's Chief Traffic Officer made a carefully considered report on December 5, 1917, in which he recommended for adoption a revised basing scale.

The facts are fully set out in the judgment of Commissioner Goodeve, dated August 21, 1919, concurred in by Commissioner Rutherford, holding that the rates and conditions as set forth in the Chief Traffic Officer's report were fair and reasonable and should be adopted by the Board, and that an order should be issued accordingly.

APPLICATION OF BROCKVILLE MOULDING SAND COMPANY, LIMITED, *re* GRAND TRUNK RAILWAY SIDING.

This was an application made by the Brockville Moulding Sand Company, Limited, of Montreal, for an order directing the Grand Trunk Railway Company to construct a spur for the applicant company to serve its property on the Bressee farm, two and one-half miles west of Brockville, the farm being situated on lot 22, first concession of the township of Elizabethtown.

Objection was taken by the Grand Trunk Company to the construction of the spur on the grounds that the siding involved a break in their main line between stations and that the proposed connection was on a very busy part of the line running off a curve, and that in addition it was on a one per cent grade descending with the current of traffic. It was proposed by the railway company that instead of the connection as asked for a siding leading from the connection with the company's tracks at the west end of Manitoba yard and extending parallel and adjoining the eastbound main line for a distance of about one mile be constructed.

The facts are fully set forth in the judgment of Assistant Chief Commissioner McLean, dated September 4, 1919, concurred in by Deputy Chief Commissioner Nantel and Mr. Commissioners Goodeve and Boyce.

Held that in the general interests the opening up of the deposit of moulding sand in question should be allowed and the application granted. Held, further, that whatever protection, if any, which may at any future time be found necessary by the Board, must be provided and maintained at the expense of the applicant company, its successors or assigns. Held, further, that the disposition made was without prejudice to any application which might at any time be launched by the municipality in regard to the operation or location of the spur.

APPLICATION OF THE VANCOUVER ICE AND COLD STORAGE CO., LIMITED, *re* CANADIAN PACIFIC RAILWAY SIDING.

This was an application for leave to terminate the siding agreement between the Canadian Pacific Railway Company and the Vancouver Ice and Cold Storage Company, Limited, the removal of the spur being necessary owing to the double track of the Canadian Pacific into Vancouver, which constituted a proper development of the railway facilities. As the spur in question was built upon the company's statutory right of way and was also so placed as to interfere with the double track, and as the width of the right of way did not permit the laying of another private spur, there was no room on the railway property to accommodate another private siding. Two matters were involved in the application: (1) the question of affording facilities to the Vancouver Ice and Cold Storage Company, and (2) the distribution of cost as between the parties.

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The facts are fully set out in the judgment of Assistant Chief Commissioner McLean, dated September 5, 1919, concurred in by Commissioners Goodeve, Rutherford and Boyce.

Held that under all the circumstances involved the offer made by the railway company was a reasonable one and that the application for removal be granted.

APPLICATION OF THE CANADIAN NORTHERN RAILWAY COMPANY *re* CROSSING EAST OF VILLAGE
OF MCGEE, SASK

This was an application of the Canadian Northern Railway Company for an order amending the Board's Order No. 19686, dated June 25, 1913, by providing that the cost of construction and maintenance of the crossing east of the village of McGee, in the province of Saskatchewan, be placed upon the municipality and the Canadian Town Properties, Limited, successors in title to Messrs Mackenzie, Mann and Company, Limited.

By order of the Board No. 19686, referred to, the Canadian Northern Railway Company was authorized to construct a highway across its line at McGee townsite, in the northwest $\frac{1}{4}$ of section 19, township 29, range 16, west of the third meridian, at its own expense.

The facts are fully set out in the judgment of Mr. Commissioner Rutherford, dated September 8, 1919, concurred in by Assistant Chief Commissioner McLean.

Held that in consideration of all the circumstances, including the close relations during the entire period, between the railway company and the townsite company, and especially of the small expenditure required and on the special facts involved, the Board was justified in insisting on the enforcement of its Order No. 19686 as originally issued, and that the application of the railway company be dismissed.

COMPLAINT OF THE TORONTO BOARD OF TRADE, *et al*, *re* INCREASED RETURN PASSENGER
FARES

This was a complaint of the Toronto Board of Trade and Border Chamber of Commerce, Windsor, Ont., against the increased return passenger fares put into effect by the railroad companies on February 1, 1919.

It appeared that the railways of Canada had for a considerable period of time provided round-trip passenger rates at a reduction of one-sixth off the sum of the individual rates; that this practice had been amended, effective February 1, 1919, by limiting the reduction to ten per cent. The passenger rate practice involved developed, no doubt, as a means of building up traffic. In the case of round-trips between points served by two or more lines of railway the reduction from the sum of the rates held the traffic inbound to the line on which it had moved out. The practice, however, was general, not being limited to competitive situations.

The Board has approved standard passenger rates which are legally filed and published. The question is now raised whether this having been done the Board has power, in respect of traffic moving on said rates, to direct that a round-trip rate shall enjoy a charge less than the sum held lawful where each portion of the journey is performed as an isolated unit, having no connection with a return.

It was contended, on the other hand, that the round-trip arrangement is a special rate arrangement, and that where such a rate arrangement has once been put in by a railway the Board has the same jurisdiction.

In re SPECIAL FREIGHT TARIFFS GOVERNING WEIGHING OF CARLOAD TRAFFIC AND ALLOWANCES
IN TRACK SCALE WEIGHTS.

The Board has had before it for consideration the matter of special freight tariffs governing the weighing of carload traffic and allowances in track scale weights, and the cancellation of allowance of 1,000 pounds dunnage on agricultural imple-

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ments, machinery, stoves, street cars, vehicles, etc., on box or stock cars in the tariffs proposed to become effective May, 1911.

At the hearing of this matter in Toronto on April 25, 1911, the late Chief Commissioner Mabee directed that the effective date of these tariffs be postponed from the 1st day of May to the 1st day of July, 1911, and in accordance with this direction Order No. 13520 of April 27, 1911, was issued.

On complaint against this order a hearing was held in Ottawa on June 20 and 21, 1911. At this hearing the matter was gone into very exhaustively, all the various railways being represented as well as the Canadian Manufacturers', the Canadian Lumbermen's, and the Montreal Lumbermen's Associations. A large number of witnesses were heard on behalf of both the shippers and the railway companies.

As a result of this hearing a judgment was issued by the late Chief Commissioner Mabee under date of July 14, 1911, in which Commissioner McLean concurred; and Order No. 14389 of July 25, 1911, was issued based on this judgment.

The effect of these orders was to indefinitely postpone the effective date of the Tariffs C.R.C. No. E-2312, G.T.R., and C.R.C. No. E-2067, C.P.R.

Upon the application of the Canadian Freight Association for a ruling of the Board as to the proper allowances to be made for track scale weights on various commodities, this matter was again taken up and a hearing held at Ottawa on March 18, 1913.

The result of the cancellation of the Tariffs above referred to was that the allowance made in the Tariffs of the carriers previous to May 1, 1911, were continued in effect. Similar provisions are in effect to-day.

It will be seen by a comparison of the foregoing that the proposals of the carriers was to do away with allowances for blocking, dunnage, and temporary racks used in connection with the bulk of the freight shipments in cars covered by these tariffs.

Dealing first with the question of dunnage:—

“Free transportation of dunnage in closed cars is obviously based on two principles: (1) that the dunnage constitutes a part of the carrier's equipment and as such is not subject to a transportation charge, or (2) that the charges for the transportation of dunnage in cars are included in the charges for the transportation of the commodity in connection with which it is used.”

52 I.C.C. *Aetna Explosives Company v. Pennsylvania Railroad Company et al.*

The whole controversy revolves around the principles set out in the above quotation, the shippers contention being that dunnage is not only for the protection of the goods, but that it is a protection against damage in transit; that decks have to be put in, in order to enable the shippers to load to the minima established by the tariffs of the railways; that the railways are benefited in that dunnage has the effect of reducing damage claims to a minimum, and enables loading to capacity, so that the companies receive greater earnings per car. They argued that the shippers furnished the material and labour as their share, and the carriers should furnish the transportation.

The carriers answered “that if these goods could be completely boxed as in package freight, then shippers would pay, in addition to the cost of labour and material for casing or boxing, the freight on the weight of the material used at the same rate as on the goods.” They contended that standard box, stock, ventilator, and refrigerator cars, in good repair, will accommodate all the ordinary and usual needs of shippers, and that if more than this is demanded because of the form, nature or peculiar characteristics of the goods tendered for conveyance, some obligation must attach to the shipper in connection with the additional demand.

I do not think, however, that this answer altogether meets the situation, nor covers the conditions involved.

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Most of these carload goods are wholly or partially crated or boxed by or at the expense of the shipper. Stoves were instanced as being completely crated, and that this crating was sufficient to enable them to be safely hauled and handled to and from the cars. In reply to a question by the Hon. Mr. Mabee, vol. 129, p. 4861, it was stated that these stoves were reshipped l.c.l., without any additional packing or crating, to the various stove dealers, the dunnage having been used to enable them to be loaded to the required minimum and to protect them from damage in transit in carload lots.

This condition would apply more or less to all classes of merchandise in question shipped in carload lots and requiring dunnage.

The shippers argued further that these things are necessary for the purpose of moving this particular form of traffic; that the railways had recognized this necessity and had made these allowances, and that as a result of the practice, continued for many years, traffic had grown up under it; that it was mutually beneficial to the shippers and railways, and that it should not now be withdrawn.

Mr. Beatty stated at p. 2041, vol. 173, of the evidence, that "it has been admitted by all parties all the way through this inquiry, that no one of them wanted to collect any more or less than was absolutely proper in the circumstances." This statement was not disputed, and may be accepted as the attitude of both the shippers and the carriers.

The question now resolves itself into what is a fair allowance to be made. At present there is an allowance of 1,000 pounds per car. The railways wanted this reduced to 500 pounds, and the shippers were willing to accept 800 pounds, as the maximum. Mr. Walsh, for the Canadian Manufacturers' Association, contended that 800 pounds was a fair average. Mr. Beatty disputed this. No conclusive evidence is on file as to this.

After careful consideration of all the arguments as set forth at the various hearings, and on file with the Board in connection with this matter; and in view of the long-standing practice voluntarily put into effect by the carriers, and the selection of certain commodities upon which, no doubt, because of their peculiar characteristics the carriers felt it was in the interest of traffic to make these allowances; and because these have undoubtedly proved a factor in the wider distribution and more general use of those commodities at a lesser cost to the public, I am of the opinion that some allowance should continue to be made.

If the actual weight were always obtainable I think it should be allowed, but for reasons already pointed out it has been found that this is not always possible.

Under all the circumstances I think the allowance for dunnage should be for the actual weight thereof, subject, however, to a maximum allowance of 650 pounds per car, provided that in no case should less than the established minimum carload rate be charged; this maximum to apply to agricultural implements, machinery, stoves, street cars, and vehicles, as set out in rule 24 of Supplement 7 of the Canadian Pacific's Tariff previously referred to. I see no reason why the same rule should not also apply generally to acid in carboys; also to such other articles as may be shown from time to time to require dunnage protection.

Secondly: allowances to cover variation in tare of cars caused by absorption of moisture, accumulation of ice, snow, etc.

In my opinion, shrinkage in weight due to the inherent nature of the goods should not be charged against the carrier; first, because if the car is loaded to capacity at starting, the carriers haul the full weight a certain distance, and any reduction at the end would be equivalent to giving a certain amount of free tonnage. It cannot be said that the reduction represents the average weight hauled, for this will differ with the condition at time of loading, distance hauled, temperature and general weather conditions; second, and I think more important, the carrier is deprived

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of the full earning capacity of the car. This principle is recognized in section F of rule 8 of Circular No. 1433 of the American Railway Association. I would apply the same remarks to wood-pulp (wet).

On the other hand, I see no reason why any allowance made to cover variation of the tare of cars caused by absorption of moisture, accumulation of ice, etc., should not apply. This will be dealt with farther on.

Bark: The present allowance runs from 500 to 2,500 pounds, depending on the season of the year and the class of car used. These allowances, in the case of open cars, include the racks, with which I deal later. The suspended tariffs made no allowance for car variations, and left the deduction for snow, etc., to the weighman's judgment.

Lumber and other rough forest products: from 500 to 1,000 pounds. In the suspended tariffs the situation (racking omitted) was the same as in the case of bark.

Rule 8, section E of A.R.A. Circular 1433 already referred to is as follows:—

“The tolerance shall be one per cent (1%) of the lading, with a minimum of 500 pounds *on all carload freight*, including coal and coke, except that when ashes, cinders, clay, dolomite, ganister, gravel, mill-scale, ore, sand, slag, all stone (not cut), and similar bulk freight, brick and soft drain tile are loaded in open cars, the tolerance shall be one per cent (1%) of the lading with a minimum of 1,000 pounds.”

It will be seen that under this rule there is an allowance for tolerance upon all carload freight of one per cent (1%) of the lading, subject to a minimum of 500 pounds; while upon certain heavy low-priced commodities, loaded on open cars, the minimum is fixed at 1,000 pounds.

Under this ashes (and I would here call attention to the fact that the tariff does not specify the kind of ashes, but presume wood ashes loaded in box cars is meant), would receive a minimum allowance of 500 pounds against the present allowance of 500 to 1,000 pounds, depending on season. (If furnace ashes are assumed, if loaded in open cars the minimum would be 1,000 pounds.)

Bark, in like manner, when loaded in box cars would receive a tolerance minimum of 500 pounds, and the same for open cars. The present allowance is 500 pounds for box cars, and from 1,000 to 2,500 pounds for flat or gondola cars, the latter, however, including the racks, etc.

Lumber and other rough forest products would also receive a minimum allowance of 500 pounds, when loaded in box cars, against the present absolute allowance of 500 pounds, or when loaded on flat or gondola cars an additional 500 pounds, making a total minimum of 1,000 pounds as against the present maximum of 1,000 pounds.

Wood-pulp (wet) would receive a minimum of 500 pounds compared with the present allowance of 1,000 pounds.

Therefore, in view of the fact that rule E above quoted is general in its application and would do away with all question of discrimination; that it is in general use in the United States, and that it would be in the interest of uniformity of practice, I would adopt it, in lieu of the present allowances, to cover variations in tare of cars caused by absorption of moisture, accumulation of ice, snow, etc.

Thirdly: Perishable freight in box or stock cars lined with lumber by the shipper: Present allowance 1,500 pounds, with an additional allowance of 500 pounds when containing stove and fuel. I think this clearly comes under the first of the two principles cited upon which dunnage allowance is herein based, viz., that dunnage constitutes a part of the carrier's equipment and, as such, is not subject to transportation charges.

Undoubtedly, under the facility clauses of the Railway Act, it is a duty of the carriers to furnish proper cars for the safe and adequate handling and carrying of

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these commodities. I do not think this is disputed by the carriers, as in the tariffs disallowed they make provision for this. I would adopt this rule, which is as follows, as appearing in G.T.R. tariff C.R.C. No. E.2312, rule 10 (c):—

“(c) Allowance will be made for the weight of lumber required to line box cars loaded with perishable freight, in carloads, provided consignor makes declaration on bill of lading at shipping point as to the number of feet so used, such allowance to be computed at $2\frac{1}{2}$ pounds per foot board measure, but not to exceed a weight based on 800 feet board measure, per car. Agent at shipping point will make notation on waybill showing the number of feet so used. An additional allowance of 500 pounds per car will be made for stove and fuel. No allowance to be made when refrigerator cars are used.”

Fourthly: In regard to the “500 pounds per car allowance made for the weight of standards, strips, stakes, supports and temporary racks on flat or gondola cars if loaded with shipments requiring their use, in addition to such allowances as are already provided in their tariff,” apparently there is no dispute, a similar allowance having been made in the disallowed tariffs. It is also the same as rule 19-B of the Official Classification.

Bark, owing to its peculiar physical characteristics of form and weight, when loaded on flat or gondola cars, requires special protection for safety in shipping. The usual practice is to provide for this by means of permanent or temporary racks. The carriers, recognizing this necessity, have provided in their tariffs allowances to cover the weight of these racks. Owing to the fact that tolerance is included in the amounts named, it is a little difficult to decide just what the allowance in the present tariff is.

I have concluded, however, from an analysis of the tariffs that the amount allowed for the weight of permanent racks is 1,000 pounds, and for temporary racks 1,500 pounds, the balance named being for tolerance; the difference in the allowance made between permanent and temporary racks probably being accounted for by the fact that rough temporary racks would weigh more than the permanent racks. In the tariffs disallowed an allowance of 1,000 pounds weight per car was made for temporary racks on flat or gondola cars loaded with shipments of bark. It is evident the carriers recognized that the average weight of these racks is greater than the average weight of standards, strips, stakes, etc., used with the shipment of other forest products.

I am of the opinion that the rule in the disallowed tariffs making an allowance of 1,000 pounds for temporary racks should be adopted, this in addition to the allowance for tolerance.

Where permanent racks are used they should be included in the tare of the car, if not so included the same allowance should be made.

The facts are fully set forth in the judgment of Mr. Commissioner Goodeve, dated September 9, 1919, concurred in by Chief Commissioner Carvell, Assistant Chief Commissioner McLean and Mr. Commissioner Boyce.

COMPLAINT OF THE KILGOUR MANUFACTURING COMPANY, HAMILTON, ONT., *re* GRAND TRUNK RAILWAY CAR RENTAL.

This was a complaint of the Kilgour Manufacturing Company, of Hamilton, Ont., in connection with bills presented by the Grand Trunk Railway Company for car rental which accrued owing to the original charges on the car being held in dispute with the railway company and unpaid by the consignee.

The facts are fully set out in the judgment of Mr. Commissioner Goodeve, dated September 13, 1918, concurred in by Chief Commissioner Drayton.

Held that sufficient facts have not been submitted by the complainants to justify the Board in granting the relief asked for.

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In re APPLICATION OF THE QUEBEC, MONTREAL AND SOUTHERN RAILWAY COMPANY TO INCREASE PASSENGER RATES.

This was an application of the Quebec, Montreal and Southern Railway Company for permission to increase from 3.45 cents to 4 cents per mile the rate shown in tariff C.R.C. No. 262 as standard passenger fare between all stations on the company's line in Canada.

The matter came on for hearing at the sittings of the Commission when a large amount of statistical detail was submitted bearing upon the condition of revenues and expenses of the company up to the end of November, 1918. During the year 1918 a very considerable increase in freight revenues was shown, this being due to war conditions, the item of coal tonnage being a matter of importance. In this connection the traffic was not a regular one and it was, therefore, justifiable to have before the Board a situation in which the traffic was more normal, and to consider costs in connection with the handling of such more normal traffic.

The railway has a main line mileage of 191 miles. The application being one relating to passenger fares and concerned with the costs of the passenger traffic, this phase of the situation must have special attention directed to it. At the same time, an analysis of general revenues and expenses is of value as showing the condition of the road.

The railway has not during the last five years or more given any return upon the capital invested in the road. The whole question has been one of whether operating revenues would met operating expenses. It was stated at the hearing that the railway had not at any time made any return upon the capital invested. This being so, in the analysis which is made all reference is omitted to return on capital invested. That is not to say that the latter is not a legitimate factor to consider in connection with rate matters. It manifestly is a legitimate factor. At the same time, it should be pointed out that the contention of the railway did not direct itself to the matter of returns upon capital; it concerned itself with the allegation that there should be a closer approximation between operating revenues and operating expenses. A statement of the investment in the road and equipment submitted by the railway as of September 30, 1918, gives a total of \$7,554,656, being made up of investment in road \$5,634,602, investment in equipment \$1,920,003. Fractional amounts are omitted.

In order to understand the general situation of this line, the period from 1913 is taken. At the hearing, returns were submitted showing the condition by fiscal years down to 1917, and showing an average annual deficit during this period of \$70,000. Figures have also been submitted for the calendar years down to 1918, and detail has been supplied for the first seven months of 1919.

The facts are fully set forth in the judgment of Assistant Chief Commissioner McLean, dated September 17, 1919, concurred in by Deputy Chief Commissioner Nantel, holding that on due consideration of the various factors concerned, the conclusion is unavoidable that the burden of proving that the increase in rate in question is justifiable has been successfully borne by the railway company; and that an order should, therefore, go authorizing the increase in the standard rate, subject to compliance with the terms of the Railway Act.

COMPLAINT OF THE HENDERSON FARMERS' LIME AND PHOSPHATE CO., WOODSTOCK, ONT.,
re RATES ON AGRICULTURAL LIMESTONE.

This was a complaint of the Henderson Farmers' Lime and Phosphate Company, of Woodstock, Ont., against the proposed increase in rates on agricultural limestone. The complainants based their protests on the following facts:—

- 1st. The Railway Companies have been granted four increases in the past two years amounting in all to 60 per cent.

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2nd. Such increases have militated against their business to an alarming extent and a further increase will simply close their plant altogether.

3rd. The rates at present in force are out of proportion to the value of the goods.

By Order No. 28073, dated February 5, 1919, and upon it appearing that a similar advance in rates to that involved in this application was proposed from Beachville, Ont., provision was made for the suspension of Grand Trunk Railway Company's Supplement No. 16 to Tariff C.R.C. No. E-4024, and the cancellation of item 195 in the Canadian Pacific Railway Company's Supplement No. 14 to Tariff C.R.C. No. E-3551.

The matter was subsequently set down for hearing in Toronto and was also heard at a later date in Ottawa to consider, *inter alia*, additional evidence put in by Mr. Walsh on behalf of the Canadian Manufacturers' Association. Evidence was also given by Mr. Essery for the Crushed Stone, Limited, of Kirkfield, Ont.

Since the final hearing, additional communications have been submitted both by the Crushed Stone, Limited, and by the Henderson Farmers' Lime and Phosphate Company. Communications have also been received from the railways. The matter is now ripe for judgment.

On February 15, 1918, there was a hearing in Toronto on the application of the Henderson Farmers' Lime and Phosphate Company, of Woodstock, Ont., for lower rates on agricultural stone dust, in carloads, from Beachville, Ont., to various points, than the commodity rates then in force.

Judgment in this matter issued holding that the existing rate basis was found not to be unreasonable, and Order No. 27378 issued in due course. Detail as to the nature and use of agricultural limestone is set out in the judgment.

Held, Assistant Chief Commissioner McLean, in his judgment, dated October 1, 1919, concurred in by Deputy Chief Commissioner Nantel and Commissioners Goodeve and Rutherford, that the further increases proposed had not been justified.

APPLICATION OF THE NEW BRUNSWICK RAILWAY COMPANY TO CONSTRUCT TWO INDUSTRIAL SIDINGS, TEMISCOUATA RAILWAY.

This was an application of the New Brunswick Railway Company, operated by the Canadian Pacific Railway Company, under sections 222, 227 and 237 of the Railway Act, to construct two industrial sidings at Mileage 56.8, Edmundston Subdivision, in the town of Edmundston, N.B., and in doing so, it will be necessary to cross the main line of the Temiscouata railway at that point, to reach the pulp-mill of the Fraser Companies, Limited, situate about half a mile west of the proposed crossing.

The facts are fully set out in the judgment of Chief Commissioner Carvell, dated October 3, 1919, concurred in by Assistant Chief Commissioner McLean, Deputy Chief Commissioner Nantel, and Mr. Commissioner Rutherford.

Held that the applicants have the right to cross the tracks of the Temiscouata under the direction and to the satisfaction of the Chief Engineer of the Board, reserving to the Board the right, at any future time, to make any additional order for the protection of trains or the public at this particular point. Held, further, that the cost of placing the diamond should be borne by the applicant company.

COMPLAINT OF THE CANADIAN MANUFACTURERS ASSOCIATION *re* GENERAL ORDER NO. 162.

Complaint was made by the Canadian Manufacturers' Association that the conditions of contract with telegraph companies imposed no obligations or penalties for failure to transmit messages received by the company for transmission, and provision was sought (by amendment to the conditions of traffic sanctioned by Board's Order

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No. 162, of the 30th March, 1916) for the imposition of penalties for non-delivery, in such cases as are due to gross negligence of the telegraph company, even though the message is not repeated.

The whole wide question of the liabilities attaching to telegraph companies, involving the point complained of, was fully considered by the Board upon the application which resulted in the order above referred to (No. 162). The question was further, incidentally, considered by the Board on the application of the Great North Western Telegraph Company, the Canadian Pacific Railway Company's Telegraph, and the Grand Trunk Pacific Telegraph Company, for an order approving conditions varying those approved by the Board by Order No. 162, the object of such application being to vary the conditions so sanctioned in a manner which would more fully relieve the telegraph companies from liability, to sender or addressee, whether from negligence or otherwise, in respect of receipt, transmission, and delivery of messages.

The facts are fully set out in the judgment of Mr. Commissioner Boyce, dated October 7, 1919, concurred in by Chief Commissioner Carvell, Assistant Chief Commissioner McLean, and Deputy Chief Commissioner Nantel, dismissing the complaint.

APPLICATION OF CITY OF TORONTO *re* APPORTIONMENT OF COST OF ALTERATIONS TO MAINS OF CONSUMERS' GAS COMPANY, OF TORONTO.

This was an application of the corporation of the city of Toronto for an order apportioning the cost of alterations to the mains of the Consumers' Gas Company, of Toronto, necessitated by the construction of subways at Yonge street, Avenue road, Bathurst street, Davenport road, Howland avenue, Spadina road, Shaw street, Christie street, Dovercourt road and Ossington avenue, in connection with the North Toronto grade separation work.

The facts are fully set out in the judgment of Chief Commissioner Carvell, dated October 16, 1919, concurred in by Assistant Chief Commissioner McLean, Deputy Chief Commissioner Nantel, and Mr. Commissioner Goodeve.

Held that the work in question was simply a matter of contract between the two corporations, and that the Board, therefore, should not interfere after the matter had been closed to force the Consumers' Gas Company to repay moneys which were paid to them by contract and even after a discussion had arisen between the respective parties as to their right to a contribution from the Consumers' Gas Company, should the Board so desire, and that the application should be dismissed.

COMPLAINT OF THE WOODSTOCK BOARD OF TRADE, *re* RATE ON COAL, CANADIAN PACIFIC RAILWAY.

This was a complaint made by the Woodstock Board of Trade, N.B., against the rate charged by the Canadian Pacific Railway Company on coal from Minto, N.B.

The matter was heard at the sittings of the Board held in St. John on July 22, 1918, and at the hearing not only were the coal rates from Minto attacked, but also coal rates from Bangor to Woodstock. Subsequent to the hearing the Hartt Boot and Shoe Company, of Fredericton, intervened, as well as the Canadian Manufacturers' Association on behalf of the Hartt Company; and at the request of the Association, who desired to go further into the matter, the matter was held over for subsequent disposition.

The facts are fully set out in the judgment of Assistant Chief Commissioner McLean, dated August 21, 1919, concurred in by the Deputy Chief Commissioner Nantel and Mr. Commissioners Goodeve and Boyce.

Held that while the Fredericton Grand Lake Coal and Railway Company was to be a work for the general advantage of Canada its corporate entity was not eliminated, and that consequently the interline movement as between the Fredericton Company and the Canadian Pacific Railway Company must be treated as a two-line haul.

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Held, further, that when the provisions of the Railway Act as to the filing of standard tariffs had been complied with and joint rates had also been put in, that the matter would be gone into further, and that if the rates so filed did not satisfactorily take care of the situation, the Board would afford an opportunity for a further hearing.

COMPLAINT OF ROBERT PATTERSON, STAMFORD, ONT., *re* GRAND TRUNK RAILWAY CHARGES ON SAND AND GRAVEL.

This was a complaint of Robert Patterson, of Stamford, Ont., against the charge of 50 cents a ton on sand and gravel from his pit in Stamford to Niagara Falls, Ont., imposed by the Grand Trunk Railway Company.

It was pointed out, on behalf of the complainant, that the old rate had been 20 cents per ton, and had been in effect for some fifteen years; and that this rate had been increased to 50 cents per ton, making it prohibitive for them to do business at this rate. The Grand Trunk Company did not dispute the fact but pointed out that the increases had been the result of general increases throughout the country necessitated by the increased cost in transportation. It was shown that there had been two increases of 5 cents each brought about by the Eastern Rate and the Fifteen Per Cent cases, bringing the rate up to 30 cents per ton. The last increase of 20 cents a ton being under P.C. Order 1863 of July 27, 1918, Tariff C.R.C.E.-3986, August 12, 1918.

The facts are fully set out in the judgment of Mr. Commissioner Goodeve, dated October 24, 1919, concurred in by Assistant Chief Commissioner McLean and Mr. Commissioner Boyce, holding that a case had not been made out for the reduction asked for.

COMPLAINT OF MESSRS. BLACK & SON, OF BELLEVILLE, ONT., *re* EXPRESS COLLECTION AND DELIVERY IN BELLEVILLE.

This was a complaint of Messrs. Black & Son, of Belleville, Ont., relative to express collection and delivery limits in the city of Belleville, the complaint being that whereas until recently the express company, under an arrangement with an independent carter paid by them, collected the fish boxes of the complainant when ready, from the dock at Belleville, day or night, and carted them, free of charge, to the depot and loaded them on the trains for market points, that this arrangement had been discontinued as to collection after 5 p.m. daily, after which hour the waggon service must be performed at the expense of the shipper (complainant) or the fish must remain where it was until the next morning's collection, and suffer the deterioration in quality and value of twenty-four hours delay.

The facts are fully set out in the report of Mr. Commissioner Boyce, dated October 27, 1919, concurred in by Chief Commissioner Carvell, Assistant Chief Commissioner McLean, Deputy Chief Commissioner Nantel and Mr. Commissioners Goodeve and Rutherford, recommending that the complaint be dismissed.

Re TRAIN SERVICE ON THE QUEBEC, MONTREAL & SOUTHERN RAILWAY — SHORE DIVISION.
Judgment, Assistant Chief Commissioner McLean, dated October 28, 1919, concurred in by Deputy Chief Commissioner Nantel.

The Quebec, Montreal and Southern Railway Company has as one portion of its system a line down the south shore of the St. Lawrence from Montreal to Fortierville, a distance of 115 miles. The mileage from St. Lambert to Fortierville is 109.6 miles. From St. Lambert, the railway has trackage arrangements into the city. From St. Lambert to Sorel is 44.5 miles, while from Nicolet the distance is 76 miles.

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Up to 1918, the passenger service on the Shore Division consisted of two daily trains running mornings and evenings between Montreal and Nicolet; two daily trains also ran from Nicolet to Montreal morning and evening. A local mixed completed the run between Nicolet and Fortierville at the other end of the line.

From the 1st of January, 1918, the Sunday service was cancelled. Again in April, 1918, the company further reduced its service by cancelling the morning train from Montreal and the evening train from Nicolet.

Upon the application of the Chamber of Commerce of Sorel, the Board ordered the restoration of the train service in effect prior to January, 1918, between Montreal and Sorel, such service to be put into effect on the 10th day of June, 1918; Order No. 27254 issued the 26th day of May, 1918.

A subsequent order dated June 7, 1918, No. 27286, authorized the discontinuation of the Sunday train service in effect prior to January 1, 1918.

On the 17th August, 1918, the company applied to the Board for permission to withdraw trains Nos. 2 and 3, that is the morning train leaving Montreal and the evening train leaving Nicolet, such withdrawal to take effect on the 1st of September, 1918.

The reasons alleged by the company were that the traffic did not justify two trains a day, and that they needed the fuel, the power and the crews for more essential traffic elsewhere, meaning the southern division.

Before the application could be argued before the Board, the company found itself short of men on account of the influenza epidemic, and was allowed, pending a formal hearing, to withdraw its trains Nos. 2 and 3.

During the Christmas and New Year seasons of 1917 and 1918 the service was, on the request of the Board, temporarily reinstated.

A hearing took place at which much statistical detail was submitted in connection with the application of the railway to increase its rates. The statistical detail submitted bearing on the cost of operation of necessity had an important bearing upon the propriety of directing a change in the train service.

As pointed out in the judgment in the Passenger Rate Case, it had seemed proper to allow determination of this matter to stand until it was apparent whether the exceptional costs of operation which attached to the war period constituted a temporary or more enduring condition, and the result was that for the seven-month period ending July 1919, it was abundantly apparent that the costs of operation were continuing on a higher level; and this is evidenced by the fact that during the period in question it took, on the average, 147 cents of expenditure to earn \$1 of revenue. The question whether the Board is justified in directing a re-arrangement which will add to the service now existing must be tested in terms of the operating conditions facing the road.

The railway must as a condition of operating as a railway carrying freight and passengers afford a minimum of service, even although the result of this is operation at a loss. The service which is now rendered by the railway in connection with the carrying of passengers appears to me, however, to have carried the reduction down to the minimum, and I do not see, as at present advised, how it would be justifiable to have any further reduction. Since, however, the railway is on its present freight and passenger operations spending much more than \$1 to earn \$1 of revenue, and since, as pointed out in the Judgment in the Passenger Rate Case, it is not in terms of the analysis there used earning on its passenger business its proportionate amount of cost, it follows that before directing an increase in the passenger service over the minimum now rendered, the Board should be satisfied as to whether the additional cost would be recouped.

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The service as it existed prior to 1918 was as follows in regard to the movement from Nicolet to Montreal:—

Westbound.

No. 1—Daily, except Sunday; leave 6.20 a.m., arrive Montreal 9.15 a.m.
No. 3— “ “ “ “ 2.55 p.m. “ “ 6.15 p.m.

Eastbound.

No. 2—Daily, except Sunday; leave Montreal 8 a.m., arrive Nicolet 11.20 a.m.
No. 4— “ “ “ “ “ 5.30 p.m., arrive Nicolet 8.30 p.m.

Sunday.

No. 8—Eastbound, leave Montreal 8.25 a.m., arrive Nicolet 11.34 a.m.
No. 7—Westbound, leave Nicolet 3 p.m., arrive Montreal 6.15 p.m.

The service between Fortierville and Nicolet was as follows:—

Westbound.

No. 9—Mixed; leave Fortierville 6 a.m., arrive Nicolet 8.30 a.m.

Eastbound.

No. 10—Mixed; leave Nicolet 5 p.m., arrive Fortierville 7.30 p.m.

The service now rendered between Nicolet and Montreal is as follows:—

Westbound.

No. 1—Daily, except Sunday; leave Nicolet 6.30 a.m.; arrive Montreal 9.45 a.m.

Eastbound.

No. 4—Daily, except Sunday; leave Montreal 6 p.m.; arrive Nicolet 9.20 p.m.

The service between Fortierville and Nicolet is as follows:—

Westbound.

No. 9—Mixed; tri-weekly, Monday, Wednesday and Friday: Leave Fortierville 6 a.m.; arrive Nicolet 8.30 a.m.

Eastbound.

No. 10—Mixed; tri-weekly, Tuesday, Thursday and Saturday: Leave Nicolet 5 p.m.; arrive Fortierville 7.30 p.m.

What is in effect desired by the municipalities concerned is the reinstatement of trains Nos. 2 and 3, and in general, replacing the service as it was in 1917. On the other hand, this is objected to by the railway from the standpoint of expense.

Every curtailment of service of necessity raises objection. Where it is possible to have frequent service—the highest type of convenience—this is very satisfactory to the public and by encouraging travel reacts advantageously upon business, and no doubt is a factor of importance in developing through travel and social intercourse the amenities of life. At the same time it must be recognized that all this must be paid for, and if the service desired is of such a type as cannot be met out of the revenues of the company this must be given due weight by the regulative body.

The test of what the reinstatement of the 1917 service would mean can be checked out by checking train-mile costs.

In the hearing at Montreal, computations were submitted analyzing operating costs. While freight and passenger revenues are readily reported under separate headings, the subdivision of operating cost between freight and passenger business must of necessity, to a certain extent, be a matter of computation. Certain items may be allocatable directly; other items cannot be so allocated.

In an exhibit filed by the Quebec, Montreal and Southern Railway Company, it was pointed out that the train mileage basis was arrived at by adding to the passenger train mileage one-third of the mixed train mileage, the resulting sum of passenger train mileage amounting to 53 per cent of the total train mileage. Train mileage may be regarded as affording one reasonable index of cost. The passenger train-mile cost of \$2.77, later referred to, is as pointed out, the computation arrived at in the exhibit referred to.

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The round trip from St. Lambert to Fortierville is 218 miles. As already pointed out, St. Lambert is the point where the Quebec, Montreal and Southern tracks stop and is 6.2 miles from Montreal. The service, which it is asked should be reinstated, would mean additional train mileage of 218 miles per day. If the service on the old schedule were reinstated for six days a week the train mileage involved would be 68,234. Adding a Sunday service, the additional train mileage for 52 days a year from Nicolet to St. Lambert would be 7,904.

In exhibit 5, filed at the hearing, a computation was given that for the first eleven months of 1918 the passenger train-mile cost was \$2.77. Taking this basis, the 68,234, passenger train miles required for the daily service, exclusive of Sundays, would have a cost of \$189,008. The business of the road is concerned with short hauls. For 1913 to 1918, the average passenger journey in miles ran from 21 and a fraction to 23 and a fraction. During the same period, the average fare received from each passenger ran from 55 cents to 61 cents.

Since, in 1918, the average amount paid by each passenger was 61 cents, the number of additional passengers it would be necessary to carry in order to meet the train-mile cost involved will be obtained by dividing this train-mile cost, as above given, by 61. This gives a total of 310,013 passengers it would be necessary to carry to offset the cost. Adding to the passenger train mileage for week days the 7,904 passenger train-miles for Sundays would give a total of 76,138 passenger train-miles. At the average cost of \$2.77, as given, this would give a cost of \$210,902, which, divided by 61, would give the total number of additional passengers it would be necessary to carry in order to meet this increased cost. The number is 345,737.

In the figures submitted in exhibit 5, as referred to, it was set out that against the passenger train-mile costs of \$2.77 there were actual passenger train-mile earnings for the eleven months ending November, 1918, of \$1.63. If these figures are taken as characteristic, there would be the following result from the additional train service recommended:—

Passenger train-mile costs.. . . .	\$210,902
Passenger train-mile earnings.. . . .	124,104
Deficit.. . . .	<u>\$ 86,798</u>

If, instead of taking the figure of \$2.77, an average figure of \$2 per train-mile is taken, as a test suggested by the Board's Chief Operating Officer, there would be an additional train-mile cost for a service of six days a week of \$136,468. This at average receipts per passenger of 61 cents would require the carriage of 223,717 passengers additional to offset the increased cost. If a Sunday service were included, this would require in addition, on the same bases, 25,914 passengers.

As bearing on the possibility of an increase in passenger business sufficient to recoup the additional costs involved, it may be noted that the highest figure in respect of passengers carried in the period 1913-18 was in 1917, when 273,127 passengers were carried. The figures are for the years ending June 30. The average for the period was 254,922, while the absolute figure for 1918 was 243,371.

Carrying the analysis back for the period 1908-12, the highest figure in that period was in 1910, when 280,584 passengers were carried. The average for the period was 249,770.

The figure of \$1.63 per passenger-mile in 1918 is not a conclusive test of the volume of business and its return. The extent to which this exceeds that obtaining in 1917 is in great degree due to the reduction in passenger train-miles in 1918, affording, in consequence, a smaller divisor in striking the average passenger-mile earnings. The year 1917 had in force the service which it is now desired should be reinstated.

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For the calendar years 1917 and 1918 the following statements as to gross earnings from passenger train service are available:—

Passenger Revenue.	1917.	1918.
Tickets..	\$162,608 14	\$132,039 13
Excess baggage..	1,103 32	976 34
Mail..	5,264 75	5,181 99
Express	13,815 57	15,869 73
Other passenger train revenue..	255 50	114 90
Milk..	182 24	114 09
Total passenger train revenue	<u>\$183,229 52</u>	<u>\$154,296 18</u>

Notwithstanding the larger volume of passenger revenue in 1917 and notwithstanding the larger part played in that year by other receipts incidental to passenger train movement, the passenger train-mile earnings for the year were only \$1.19. It is not unfair to take this as an approximate criterion of the earning power, under a reinstatement of the 1917 service.

Putting the matter in a summary way, to meet the additional train-mile costs computed on a basis of \$2 per passenger train-mile, it would necessitate the railway, on the basis of a six day a week service, and including the number carried in 1918, having to carry a total of 467,088 passengers; and the inclusion of a Sunday service and the offsetting of its costs would necessitate adding 25,914 to this. As against these figures, attention may again be drawn to the fact that the largest passenger movements during a ten-year period were in 1917 and 1910, when the figures were 273,127 and 280,584, respectively.

On the analysis as made, it does not appear how there can be a sufficient increase in passenger business, taking into consideration the volume, average haul and average receipts per passenger, to take care of the cost the additional service would necessitate. It is further to be borne in mind that the computations do not take into consideration any profit on operation. If an operating ratio of 75 per cent is taken—and this has in various connections been taken as a reasonable operating ratio under present conditions—the result would be to add one-third to the necessary takings. The fact that the railway instead of having an operating ratio of 75 per cent has one of 147 per cent does not justify disregarding a more normal situation.

The case for reinstatement of the train service as it was in 1917 has been earnestly pressed. Especial stress has been laid on the reinstatement of the services afforded by trains 2 and 3, referred to above. It may readily be that under more normal conditions both as to revenue and expenditure, the existing train service might be held to be one which would not satisfactorily take care of the traffic.

The matter of the earnings of trains 2 and 3 may be measured in another way from the standpoint of the relation between the out-of-pocket costs of the service and the earnings obtained. In the case of service on the Grand Trunk between Sherbrooke and Coaticook (Board's file 27563.10), a situation was developed where (a) the need for the retention of the existing service was established, (b) the earnings were slightly in excess of the out-of-pocket costs, exclusive of any return to overhead costs.

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Applying the same method as used in the above case, the round trip costs for the service performed by trains 2 and 3 on the Quebec, Montreal and Southern Railway would, as checked by the Board's Operating Department, be as follows:—

Wages of trainmen.. . . .	\$ 14 33
Wages of enginemen.. . . .	14 59
Overtime for station agents, estimated.. . . .	4 72
Fuel for locomotive, 4 tons at \$5.83.. . . .	34 98
Lubricants.. . . .	0 56
Supplies.. . . .	0 71
Water.. . . .	4 04
Handling.. . . .	11 17
Repairs, engine.. . . .	41 04
Rental.. . . .	4 90
Car repairs.. . . .	0 80
Car rentals.. . . .	20 00
	<hr/>
	\$151 84

The latest figures obtainable for the earnings of the trains in question are for the years 1915 and 1916. In 1915, train No. 2 earned 80 cents per passenger train-mile, while No. 3 earned 63 cents. This would give the following figures:—

Train No. 2, earnings.. . . .	\$ 60 80
" " 3, "	48 48
	<hr/>
Total for round trip.. . . .	\$109 28

For the year 1916, the figures are 72 cents and 86 cents, respectively, giving the following totals:—

Train No. 2, earnings.. . . .	\$ 54 72
" " 3, "	61 92
	<hr/>
Total for round trip.. . . .	\$116 64

With out-of-pocket expenses \$151.84, the deficit on 1915 figures would be \$42.56 daily, or \$255.36 per week.

On 1916 figures, the deficit would be \$35.20 daily, or \$211.20 per week.

In the figures as to out-of-pocket expenses as given, maintenance of equipment is included. To get at the other expenses necessary to keep the road in operation, without any payment by way of interest or dividends, the following details are available for 1918:—

Maintenance of way and structures.. . . .	\$202,718
General expenses.. . . .	36,287
Taxes.. . . .	8,263
	<hr/>
Total.. . . .	\$247,268

In order to obtain the necessary allocation for expenses attaching to passenger business, and for the reasons explained in the judgment dealing with the standard passenger fares of the railway, 28 per cent of this total is taken as representing passenger overhead expense, or a total of \$69,235. The mileage between Nicolet and St. Lambert is 37 per cent of the total mileage of the system. This percentage of the allocated passenger expense above given amounts to \$25,616, and on a daily basis this would amount to \$70 per day.

As pointed out, on 1916 figures trains 2 and 3 would fall short by \$35.20 of meeting out-of-pocket costs. Charging one-half of the overhead expenses against trains 2 and 3, there being two other trains, 1 and 2, in operation, this would give a sum of \$35 to add to the deficit in respect of meeting out-of-pocket costs.

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After most careful consideration of the various factors pertinent, I am unable to see how the service, on what is before us, can be reinstated, without a further increase in the already large operating deficit.

As pointed out in the judgment dealing with standard passenger rates on the Quebec, Montreal and Southern Railway, the Board has been receiving monthly statements of the operations of this road with a view to ascertaining what, if any, improvements have arisen on changed conditions. As pointed out in the judgment in question, changed conditions have not brought about decreased costs; rather the situation is that with a diminution in certain lines of general traffic which developed in connection with war activities, there has at the same time been an increase in the operating costs. The monthly statements with which the Board has been supplied are to be continued by the railway and the Board will obtain such additional information as may seem necessary; and if, on consideration of the information so filed, it appears to the Board that conditions have so improved as to warrant an increase in the train service the Board will then act of its own motion.

COMPLAINT OF RESIDENTS OF WILBERFORCE, ONT., *re* CANADIAN NATIONAL RAILWAY TRAIN SERVICE.

This was a complaint of the residents of Wilberforce, Ont., and outlying districts, and others, that the Canadian National Railways (Irondale, Bancroft and Ottawa branch) intended to run only three trains weekly in place of a daily service as heretofore after October 5, 1919.

It appeared that the Irondale, Bancroft and Ottawa Railway, a subdivision of the Canadian National Railways, was formerly a separate railway. The last separate report for it as a distinct railway is contained in the statistics of the Department of Railways and Canals for the year ending June 30, 1914. Subsequent to that date, the line was acquired by the Canadian Northern Railway.

The line extends from the junction with the Grand Trunk Railway near Kinmount station to the junction with the Central Ontario Railway a distance of 51.9 miles.

The report for 1914 showed, in round figures, total earnings of \$32,000. Of this, the passenger earnings represent 29 per cent. The road was operated at a deficit, the operating ratio being 112 per cent. The gross earnings per mile were \$633; the average passenger journey was 16 miles. The tonnage carried averaged 597 per mile.

The facts are fully set forth in the judgment of Assistant Chief Commissioner McLean, dated November 10, 1919, concurred in by Chief Commissioner Carvell and Deputy Chief Commissioner Nantel, holding that under the circumstances the tri-weekly service, though unsatisfactory in many ways, would have to be allowed. Held, further, that the railway company keep monthly statements of receipts and expenditures to be filed with the Board not later than April 15, 1920, so that the question of whether there is any change of conditions which would justify the re-installation of the daily service might be then gone into.

Re GRAND TRUNK RAILWAY COMPANY AND BERLIN MACHINE WORKS, LIMITED, OPERATION OF SIDINGS.

The question before the Board was the consideration of an agreement between the Grand Trunk Railway Company and the Berlin Machine Works, Limited, of Hamilton, Ont., in respect of the operation over the sidings or spurs located on the lands of the Berlin Machine Works, Limited, and owned by the applicants.

It appeared that both the Grand Trunk and the Toronto, Hamilton and Buffalo Railway Companies had been operating the sidings in question, and it was stated that the Berlin Machine Works, Limited, had declined to enter into an agreement.

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An application was made by the railways in question to discontinue operating over the sidings in question. Just how the operation began is not clear. The Berlin Machine Works, Limited, stated that the operation upon the sidings with the lands of the Berlin Machine Works, Limited, had been conducted under the terms of Order No. 4844 of April 24, 1908; and it is stated, further, that the siding within the works of the Berlin Machine Works, Limited, had been constructed in pursuance of the said order.

In the original hearing on April 24, 1908, it was set out by Mr. Cowan for the Grand Trunk that at the time the application was launched it was the intention of the Grand Trunk to build a siding, as shown on the plan filed, into the Berlin Machine Works, Limited, but that since the application was launched the Berlin Machine Works, Limited, had decided to construct the tracks and sidings on their own property and to use their own engines and do their own switching. The Grand Trunk, therefore, desired to withdraw that portion of the application which was concerned with the construction of the siding into the Berlin Machine Works, Limited, and asked leave to construct a siding off its own line over the Toronto, Hamilton and Buffalo to the limits of the land of the Berlin Machine Works, Limited. It was stated that this was satisfactory to the Berlin Machine Works, Limited, and it was also satisfactory to the Toronto, Hamilton and Buffalo, and the Grand Trunk stated that when these tracks were constructed on the property of the Berlin Machine Works, Limited, the Grand Trunk, if the Berlin Machine Works, Limited, so desired, was willing to operate over them.

Following this, Order No. 4844, of April 24, 1908, issued. The order recited, as has already been set out in the reference to the evidence, that the Grand Trunk withdrew the portion of the application respecting the construction of the branch line and sidings on the property of the Berlin Machine Works, Limited. The order authorized the construction of the Grand Trunk spur up to the dividing line between the lands of the Grand Trunk and the lands of the Berlin Machine Works, Limited. Nothing is contained in the order as to operation of the sidings of the Berlin Machine Works, Limited. The matter was brought before the Board to determine the terms of an agreement.

The facts are fully set out in the judgment of Assistant Chief Commissioner McLean, dated November 10, 1919, concurred in by Chief Commissioner Carvell, Deputy Chief Commissioner Nantel, and Mr. Commissioners Goodeve and Boyce, holding that a clause should be added to the agreement providing for a situation where the Berlin Machine Works, Limited, may desire to make an arrangement for an additional railway to use its tracks, such situation to be covered by the following clause:—

“The Berlin Machine reserves the right to enter into an agreement or agreements identical herewith with any other railway or railways.”

The Board further reserved the right to the railway companies to apply to it for settlement of any disputes in connection with such clauses that the parties were unable to agree upon.

APPLICATION OF THE QUEBEC, MONTREAL AND SOUTHERN RAILWAY COMPANY *re*
ORDER NO. 28339.

This was an application of the Quebec, Montreal and Southern Railway Company to the Board that Order No. 28339 issued on October 1, 1918, be made permanent instead of between the 31st October and the 1st May following in each year. The order in question provided as follows:—

“*It is ordered:* That the Quebec, Montreal and Southern Railway Company be, and it is hereby, required (1) to arrange its time table so as to extend its

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mixed train now due to arrive at Noyan Junction at 7.30 p.m. daily except Sunday through to Lacolle Junction, showing it to arrive at 8 p.m.; and its mixed train now due to leave Noyan Junction at 5.50 a.m. to leave Lacolle Junction at 6.35 a.m. and Noyan Junction at 7 a.m., arriving at Iberville at 8.20 a.m.; and (2) to arrange with the Grand Trunk Railway Company (a) to operate the said trains between Noyan Junction and Lacolle Junction at the times specified, (b) to honour tickets on such trains to and from Lacolle Junction, and (c) to sell tickets at Lacolle Junction to points on the Quebec, Montreal and Southern Railway."

This was subsequently amended by Order No. 27864 of November 19, 1918, which provided,—

"It is ordered: That the said order of the Board No. 27741, dated October 1, 1918, be, and it is hereby, amended by striking out the figures "6.35," "7" and "8.20" in the seventh and eighth lines of the operative part of the order and substituting therefor the figures "8.00," "8.30" and "10.00."

At the time the report was made, the Quebec, Montreal and Southern Railway Company ran their freight trains from Noyan Junction to Rouses Point, using the Grand Trunk Railway from Noyan Junction to Lacolle Junction and their own line (Napierville Junction Railway) from Lacolle to Rouses Point. It was pointed out by the Quebec, Montreal and Southern Railway Company that this movement was due to the fact that it had no satisfactory terminal facilities at Noyan Junction. It was submitted by the Chief Operating Officer that the service could be given by the Quebec, Montreal and Southern Railway Company making provision on their present mixed train through to Lacolle Junction as against terminating at Noyan Junction, and picking up passengers at Lacolle Junction in the opposite direction. The matter, generally, was put on the ground that the service could be performed without any additional cost, it being pointed out that no additional equipment would be required as the train carried the equipment through, it being set out that there would be no extra coal or other expenses and no additional train or car-miles involved.

The reason for this service was set out in the Chief Operating Officer's report of September 18, 1918.

The facts are fully set out in the judgment of Assistant Chief Commissioner McLean, dated November 12, 1919, concurred in by Deputy Chief Commissioner Nantel and Mr. Commissioners Goodeve and Boyce, holding that as the engine does not go through to Rouses Point the justification for the order has passed and that it be rescinded.

SECTION 345 OF THE RAILWAY ACT.

Memorandum by Chief Commissioner Carvell, dated November 12, 1919, concurred in by Assistant Chief Commissioner McLean.

After having considered this section very carefully, I have come to the conclusion that the whole purport of the section was to give to the railway companies, within certain limits, the right to carry traffic at free or reduced rates; and to such classes of persons and, in some cases, individuals, as the companies may decide upon, subject in certain cases to the approval and permission of this Board. The whole section is preceded by the following words: "Nothing in this Act shall be construed to prevent." It then refers to five specific classes of persons and a careful examination shows that there is no great change between the present Act and its predecessor, excepting that in sub-clauses (a) and (c) a limitation is placed upon the power of the railway companies and in sub-clauses (d) and (e) an extension is provided for.

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Under clause (a) the most which the railway companies can do towards reduced fares for ministers of religion, etc., is to carry them at one-half the regular fare, and in clause (c) the most they can do for members of the provincial legislatures is to carry them free within points in the province to which they belong. It is not clear whether members of the press can be carried free beyond the province in which they reside, but as there is no comma after the word legislatures, and nothing to designate a difference in the two classes, I am rather inclined to the opinion that the limiting words "between points within the province" apply to the latter as well as to the former. Clause (c) also extends the privilege to dependent members of the families of any persons who are entitled to free transportation under section 346 of this Act, and clauses (d) and (e) also extend the right to employees of the Department of Railways and Canals and to the Governor General and staff, etc.

This narrows the question down to the interpretation of the last line of clause (c), viz., "or to such other persons as the Board may approve or permit," and to the proviso immediately following sub-section (e), both of which are to be found in the previous Act. These words evidently mean something, and it is my opinion that a railway company may decide to grant the privilege of free or reduced transportation to any person, or class of persons, subject always to the approval or permission of the Board, and also subject to the proviso herein referred to, which, in my opinion, is a regulating power rather than an enacting one.

To apply this opinion specifically to the request made by the Canadian Railway War Board under date of October 16 last, it would seem to me that the railways would have a right, subject to our approval or permission, to grant free or reduced transportation to those parties mentioned in clauses (b), (d) and (e) as well as to all others. Thus, if the railway companies decide to grant free transportation to the immigration and customs officials of the United States, to the families or former and deceased employees of the railways, and the families of former employees of transportation companies, then, if this Board approves or permits, they will be within the law in granting such transportation.

I am not so clear as to the real intention of Parliament with reference to the proviso hereinbefore referred to because, taken in its general sense, we are given the right to extend, restrict, limit, or qualify the carriage of traffic by the companies as provided under this section, but I have come to the conclusion that this is only meant as a regulating clause and our powers are restricted to extending, restricting, limiting, or qualifying what the companies may propose to do and, therefore, gives us no originating jurisdiction; but when the railway companies come to us asking that certain persons or classes of persons be given the privilege of free transportation, we would have the right to extend, restrict, limit, or qualify the same. If I am right in my general interpretation of the clause, then I think we have the power either to approve or disapprove of all the requests made by the Canadian Railway War Board in their letter of the 16th of October hereinbefore referred to, and, as they seem to me to be proper requests, I am in favour of approving the same and permitting the issuing of transportation as requested.

COMPLAINT OF MESSRS. O'REILLY AND BELANGER, LIMITED, AND GRAND TRUNK RAILWAY.

This was an application made by Messrs. O'Reilly and Belanger, Limited, coal merchants, for an order under sections 312, 316, 317, 319 and 320, directing the Grand Trunk Railway Company to provide reasonable and proper facilities for the unloading, handling, storing and delivery of the applicant's coal at the coal trestle erected upon the lands of the said Grand Trunk Railway Company, in its station yards at Isabella street, Ottawa; and for a mandatory order directing the said railway company

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to forthwith terminate a certain agreement, or lease, in respect to said coal trestle, bearing date October 25, 1916, and made between the said railway company and the Coal Trestle Company, Limited.

The complainants alleged undue discrimination in the matter of proper facilities for the unloading, handling, storing and delivery of the applicant's coal at the coal trestle upon the lands of the Grand Trunk Railway at Isabella street, Ottawa; and asked the Board for an order to forthwith terminate a certain agreement, or lease, bearing date of October 25, 1916, and made between the said railway company and the Coal Trestle Company, Limited.

The facts are fully set out in the judgment of Mr. Commissioner Goodeve, dated December 10, 1919, concurred in by Deputy Chief Commissioner Nantel and Commissioner Boyce, holding that no case of discrimination had been made out against the Grand Trunk Railway Company, and that the Board had no jurisdiction to fix the terms of rental with the Coal Trestle Company, Limited, or to compel the Grand Trunk Railway Company to cancel its agreement with the Trestle Company.

APPLICATION OF THE VILLAGE OF EDAM, SASK., AND C.N.R.

This was an application of the council of the village of Edam, in the province of Saskatchewan, for a crossing over the line of the C.N.R., at a point leading from the southeast corner of the townsite to the quarter pits on the road allowance running north and south between sections 31 and 32-48-19, half a mile west of the village of Edam.

The facts are fully set out in the judgment of Mr. Commissioner Goodeve, dated December 17, 1919, concurred in by Chief Commissioner Carvell, Assistant Chief Commissioner McLean and Commissioners Boyce and Rutherford, holding that in view of the very close connection of interests between the railway company and the townsite companies, and the fact that the building up of these municipalities is in the interest of the railway company in that they tend to develop traffic, the costs of the construction of the crossing should be placed upon the townsite companies, and the cost of operation and maintenance upon the railway company.

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APPENDIX B.

REPORT OF CHIEF TRAFFIC OFFICER JAS. HARDWELL.

SIR,—I have the honour to submit, for the Fifteenth Annual Report of the Board, a memorandum of the freight, passenger, express, telephone, telegraph and sleeping and parlour-car schedules filed with the Board from November 1, 1904, when, by order of the Board, under the authority of section 311 of the Railway Act, 1903, the railway companies commenced filing their tariffs, to March 31, 1919; and from April 1, 1919, to December 31, 1919, inclusive; also, of the more important orders relating to traffic issued by the Board to December 31, 1919:—

SCHEDULES RECEIVED FROM NOVEMBER 1, 1904, TO AND INCLUDING MARCH 31, 1919.

Freight—			
Local tariffs.. . . .	12,462		
Supplements.. . . .	26,352		
		38,814	
Joint tariffs.. . . .	28,148		
Supplements.. . . .	80,904		
		109,052	
International tariffs.. . . .	111,005		
Supplements.. . . .	341,402		
		452,407	
Passenger—			600,273
Local tariffs.. . . .	13,289		
Supplements.. . . .	17,124		
		30,413	
Joint tariffs.. . . .	10,661		
Supplements.. . . .	17,995		
		28,656	
International tariffs.. . . .	21,029		
Supplements.. . . .	41,527		
		62,556	
Express—			121,625
Local tariffs.. . . .	5,153		
Supplements.. . . .	54,180		
		59,333	
Joint tariffs.. . . .	6,110		
Supplements.. . . .	20,110		
		26,220	
International tariffs.. . . .	2,671		
Supplements.. . . .	1,222		
		3,893	
Telephone—			89,446
Local tariffs.. . . .	1,764		
Supplements.. . . .	1,231		
		2,995	
Joint tariffs.. . . .	2,534		
Supplements.. . . .	12,321		
		14,855	
International tariffs.. . . .	429		
Supplements.. . . .	9,614		
		10,043	
Telegraph—			27,893
Tariffs.. . . .	152		
Supplements.. . . .	157		
		309	
Sleeping and Parlour Car—			309
Local tariffs.. . . .	118		
Supplements.. . . .	136		
		254	
Joint tariffs.. . . .	68		
Supplements.. . . .	138		
		206	
International tariffs.. . . .	160		
Supplements.. . . .	457		
		617	
			1,077
Combined totals, all schedules.. . . .			840,623

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SCHEDULES RECEIVED FROM APRIL 1, 1919, TO AND INCLUDING DECEMBER 31, 1919

Freight—			
Local tariffs.. . . .	492		
Supplements.. . . .	1,059		
		1,551	
Joint tariffs.. . . .	547		
Supplements.. . . .	3,417		
		3,964	
International tariffs.. . . .	3,176		
Supplements.. . . .	11,222		
		14,398	
			19,913
Passenger—			
Local tariffs.. . . .	611		
Supplements.. . . .	910		
		1,521	
Joint tariffs.. . . .	756		
Supplements.. . . .	1,248		
		2,004	
International tariffs.. . . .	1,407		
Supplements.. . . .	3,220		
		4,627	
			8,152
Express—			
Local tariffs.. . . .	714		
Supplements.. . . .	1,387		
		2,101	
Joint tariffs.. . . .	86		
Supplements.. . . .	163		
		249	
International tariffs.. . . .	1,449		
Supplements.. . . .	145		
		1,594	
			3,944
Telephone—			
Local tariffs.. . . .	488		
Supplements.. . . .	95		
		583	
Joint tariffs.. . . .	678		
Supplements.. . . .	2,954		
		3,632	
International tariffs.. . . .	.....	
Supplements.. . . .	101		
		101	
			4,316
Telegraph—			
Tariffs.. . . .	1		
Supplements.. . . .	3		
		4	
			4
Sleeping and Parlour Car—			
Local tariffs.. . . .	14		
Supplements.. . . .	17		
		31	
Joint tariffs.. . . .	12		
Supplements.. . . .	19		
		31	
International tariffs.. . . .	18		
Supplements.. . . .	62		
		80	
			142
Combined totals, all schedules.. . . .			36,471
Grand total.. . . .			877,094

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SUMMARY OF TRAFFIC ORDERS OF GENERAL INTEREST ISSUED DURING THE YEAR ENDED
DECEMBER 31, 1919.

No. 28208, April 4, 1919.—Approves agreement for interchange of telephone services between the Bell Telephone Company and the Southwold and Dunwich Telephone Association, operating in the counties of Middlesex and Elgin, Ont.

No. 28253, April 22, 1919.—Approves agreement for interchange of telephone services between the Bell Telephone Company and the Lake Shore Mutual Telephone Company, operating in the counties of Bruce and Huron, Ont.

No. 28284, April 25, 1919.—Approves agreement for interchange of telephone services between the Bell Telephone Company and the Corporation of the Township of Tilbury West, operating in the county of Essex, Ont.

General Order No. 264, May 13, 1919.—Authorizes the Bell Telephone Company to make certain increases in their tolls and charges, effective July 1, 1919.

No. 28330, May 14, 1919.—Approves agreement for interchange of telephone services between the Bell Telephone Company and the North Brock Telephone Company operating in the county of Ontario, Ont.

No. 28348, May 19, 1919.—Rescinds Order of July 30, 1904, prescribing special commodity rates on glass bottles, in carloads, from Wallaceburg, Ont.

No. 28350, May 19, 1919.—Approves agreement for interchange of telephone services between the Bell Telephone Company and the Welland County Telephone Company, operating in the county of Welland, Ont.

No. 28352, May 26, 1919.—Approves agreement for interchange of telephone services between the Bell Telephone Company and the Ive-Thornton Telephone Company, operating in the county of Simcoe, Ont.

No. 28353, May 27, 1919.—Approves agreement for interchange of telephone services between the Bell Telephone Company and the Durham Road Telephone Company, operating in the county of Bruce, Ont.

No. 28387, May 30, 1919.—Approves agreement for interchange of telephone services between the Bell Telephone Company and the Liquidation Committee of the Imperial Munitions Board, operating at Nobel in the district of Parry Sound, Ont.

General Order No. 265, June 9, 1919.—Approves Supplement No. 12 to Canadian Freight Classification No. 16.

No. 28420, June 11, 1919.—Approves the Standard Maximum Freight Mileage Tariff, C.R.C. No. 73, of the Eastern British Columbia Railway Company.

No. 28436, June 12, 1919.—Prescribes 8th class tariff rates to apply on carload shipments of poultry food from Lethbridge, Alta.

General Order No. 266, June 17, 1919.—Approves tariffs of tolls filed with the Board by telegraph companies.

No. 28500, July 3, 1919.—Approves agreement for interchange of telephone services between the Bell Telephone Company and the Normanby Telephone Company, operating in the county of Grey, Ont.

No. 28508, July 8, 1919.—Approves agreement for interchange of telephone services between the Bell Telephone Company and the Ayton Telephone Company, operating in the county of Grey, Ont.

No. 28531, July 9, 1919.—Approves agreement for interchange of telephone services between the Bell Telephone Company and the Byron Telephone Company, operating in the county of Middlesex, Ont.

No. 28561, July 22, 1919.—Approves message forms of the Marconi Wireless Telegraph Company.

No. 28594, July 26, 1919.—Approves standard Maximum Freight Mileage Tariff, C.R.C. No. 80, of the Midland Railway Company of Manitoba.

No. 28619, July 31, 1919.—Approves Supplement No. 13 to Express Classification for Canada No. 3.

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No. 28620, July 31, 1919.—Permits the Temiscouata Railway to increase its Standard Maximum Passenger fare from $3\frac{1}{2}$ to 4 cents per mile.

No. 28627, August 11, 1919.—Approves Express Classification for Canada No. 4, C.R.C. No. ET-14.

No. 28657, August 11, 1919.—Approves agreement for interchange of telephone services between the Bell Telephone Company and the Norland Independent Telephone Company, operating in the county of Victoria, Ont.

No. 28750, September 4, 1919.—Approves agreement for interchange of telephone services between the Bell Telephone Company and the La Compagnie de Telephone St. Ours, operating in the counties of Richelieu, St. Hyacinthe, and Vercheres, Que.

No. 28751, September 4, 1919.—Approves agreement for interchange of telephone services between the Bell Telephone Company and the Crews Telephone Company, operating in the county of Northumberland, Ont.

General Order No. 271, September 10, 1919.—Prescribes regulations to govern applications for approval of freight and express classifications.

No. 28783, September 17, 1919.—Approves agreement for interchange of telephone services between the Bell Telephone Company and the Bradden Telephone Company, operating in the county of Hastings, Ont.

General Order No. 272, September 19, 1919.—Requires terminal inter-switching railways to furnish shippers with local bills of lading, or switching tickets or receipts subject to the conditions of the bill of lading, for cars loaded on their tracks, to the point of transfer to the line carrier.

No. 28810, September 22, 1919.—Approves Standard Maximum Freight Mileage Tariff, C.R.C. No. 681, of the Quebec Central Railway Company.

No. 28837, October 3, 1919.—Authorizes the Quebec, Montreal and Southern Railway to increase its standard maximum passenger fare from 3.45 to 4 cents per mile.

No. 28857, October 7, 1919.—Approves agreement for interchange of telephone services between the Bell Telephone Company and the Brompton Pulp and Paper Company, operating in the counties of Beauce, Compton and Wolfe, Que.

No. 28898, October 11, 1919.—Approves agreement for interchange of telephone services between the Bell Telephone Company and the Corporation of the Township of Wellesley, operating in the counties of Waterloo and Perth, Ont.

No. 28899, October 11, 1919.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Head Lake Telephone Company, operating in the county of Victoria, Ont.

No. 28915, October 18, 1919.—Approves Standard Maximum Freight Mileage Tariff, C.R.C., No. 576, of the Chatham, Wallaceburg and Lake Erie Railway Company.

No. 28920, October 20, 1919.—Approves agreement for interchange of telephone services between the Bell Telephone Company and the Wallacetown and Lake Shore Telephone Association, operating in the county of Elgin, Ont.

No. 28946, October 28, 1919.—Approves the British Columbia Electric Railway's Standard Maximum Freight Mileage Tariff, C.R.C. No. 146, Standard Maximum Passenger Tariffs C.R.C. Nos. 8 and 9, and Express Tariff C.R.C. No. Ex-1 and Supplement No. 1 thereto.

No. 28967, November 3, 1919.—Approves Dominion Atlantic Railway Company's Standard Maximum Tariff of sleeping car tolls, C.R.C. No. S-4.

No. 28972, November 4, 1919.—Approves agreement for interchange of telephone services between the Bell Telephone Company and the Russell Rural Telephone Company, operating in the counties of Russell and Carleton, Ont.

No. 28983, November 11, 1919.—Approves agreement for interchange of telephone services between the Bell Telephone Company and La Compagnie Electrique, Maniwaki, operating in the county of Ottawa, Que.

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No. 29018, November 14, 1919.—Approves agreement for interchange of telephone services between the Bell Telephone Company and the Corporation of the Township of Huron, operating in the counties of Bruce and Huron, Ont.

No. 29068, November 21, 1919.—Approves agreement for interchange of telephone services between the Bell Telephone Company and the Mount Forest, Wellington and Grey Telephone Company, operating in the counties of Wellington and Grey, Ont.

No. 29094, December 2, 1919.—Approves agreement for interchange of telephone services between the Bell Telephone Company and the Rumney Settlement Telephone Company, operating in the county of Victoria, Ont.

No. 29134, December 9, 1919.—Authorizes settlement of accrued demurrage incurred by delays in unloading cars at Winnipeg during the general strike in May and June, 1919, on the basis of \$1 per car per day.

No. 29145, December 12, 1919.—Permits the Grand River Railway to increase its standard maximum passenger fare to 2.875 cents per mile.

No. 29154, December 12, 1919.—Approves agreement for interchange of telephone services between the Bell Telephone Company and the Donegal Telephone Company, operating in the county of Renfrew, Ont.

No. 29163, December 22, 1919.—Requires the Grand Trunk Railway to establish certain commodity rates on sand and gravel from York, Ont., to various sidings in and around Toronto.

No. 29165, December 19, 1919.—Approves agreement for interchange of telephone services between the Bell Telephone Company and the Corporation of the Township of Thessalon, operating in the district of Algoma, Ont.

No. 29170, December 20, 1919.—Approves agreement for interchange of telephone services between the Bell Telephone Company and the Egypt Telephone Company, operating in the county of Ontario, Ont.

General Order No. 277, December 29, 1919.—Prescribes regulations for indicating changes in tariffs of tolls by means of symbols.

No. 29227, December 30, 1919.—Approves agreement for interchange of telephone services between the Bell Telephone Company and the Corporation of the Township of Otonabee, operating in the county of Peterborough, Ont.

General Order No. 276, December 31, 1919.—In the matter of Order in Council P.C. 1863, as amended, and of all tolls lawfully in effect on December 31, 1919; railway companies subject to the jurisdiction of the Board permitted to continue in force, on and from January 1, 1920, the tolls in effect on the said December 31, 1919.

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APPENDIX C.

OTTAWA, March 9, 1920.

DEAR SIR,—I have the honour to submit herewith, for the Board's fifteenth annual report, a synopsis of work performed by the Operating Department during the nine months ended December 31, 1919.

REPORTING AND INVESTIGATING OF ACCIDENTS ATTENDED BY PERSONAL INJURY OR LOSS OF LIFE.

During the nine months accidents to the number of 1,347, covering 223 persons killed and 1,502 persons injured, were reported to the Board by the various railway companies under its jurisdiction. For particulars, attention is directed to statements 1, 3 and 4.

A perusal of statements Nos. 2, 5 and 6, which are comparative statements of the killed and injured, as between passengers, employees and others; class of accident and railway, reveals a decrease of 41 persons killed and 311 persons injured over the preceding year.

Out of the total of 1,347 accidents reported, as above referred to, 750 were investigated, covering 163 persons killed and 977 persons injured. Statements Nos. 7, 8, 9 and 10 set out in detail the investigations made as regards collisions, derailments, highway crossing accidents, also, accidents the result of working on or under engines. These four statements show a total of 289 investigations, covering 70 persons killed, 584 persons injured. The remainder of the investigations, which number 461, cover 93 persons killed and 393 persons injured, and are spread over accidents covered by the various other headings, referred to in statements 3 and 4.

It will be observed that out of the total of 223 persons killed and 1,502 injured, there were "trespassers" to the number of 64 killed and 68 injured. In this connection reference is made to statement No. 16.

The matter of highway crossing accidents, protection provided, etc., is set out in detail in statements 3, 4, 9, 11, 12, 13, 14 and 15.

It is pointed out that the number of accidents at highway crossings involving automobile traffic is on the increase. A perusal of statement No. 15 shows that during the four years ending March 31, 1919, and nine months ending December 31, 1919, there have been 231 accidents, 15 in 1916, 36 in 1917, 54 in 1918, 66 in 1919, and 60 for the nine months ending December 31, 1919.

INSPECTION OF SAFETY APPLIANCES.

The work in this connection is largely carried on under the provisions of section 298 of the Act, and General Order No. 102. The year's work in detail is set out in statements Nos. 19, 20, 21-A and B. It is needless to say that the inspection of 45,871 cars embracing defects totalling 2,142 (or 4.67 per cent) entails considerable time and labour, both as regards field work, and the resultant checking, recording and filing of the numerous reports in addition to the correspondence necessary in following up with a view to having the railway companies take the necessary action to have the defects remedied.

INSPECTION OF MOTIVE POWER.

This division of the work embraces the entire locomotive and tender, and is carried on under sections 298, 299, 300 and 301, of the Railway Act, and General Orders Nos. 12, 31, 66, 78, 102, 107, 131, 171, 199 and 226.

Under General Order No. 78, the so-called "Boiler Inspection Order," some 45,000 report forms comprising the monthly and annual inspections of locomotive boilers and appurtenances have been filed during the nine months.

During the nine months locomotives to the number of 5,676 were inspected by inspectors of this department, with defective engines totalling 1,564 (28 per cent), total defects 1,664. For details reference is made to statement No. 22.

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The checking and recording of the above-mentioned forms and reports, together with the correspondence involved, naturally creates an extensive line of work.

INSPECTION OF PASSENGER EQUIPMENT, STATION BUILDINGS AND PREMISES.

This work comprises features of safety, cleanliness, accommodation, etc. A large number of matters have been brought to the attention of the proper officials with beneficial results.

TRAIN AND STATION SERVICE, HIGHWAY CROSSING PROTECTION, STATION LOCATIONS,
CAR SUPPLY, ETC.

The work under this heading covers a wide range of subjects, and entails in many instances a considerable amount of inquiry and research.

During the nine months complaints and applications numbering 878, which represents 32 per cent of the total filed with the Board, were inquired into and reported upon.

Under this heading it might not be amiss to point out that the matter of car supply in connection with the movement of coal, grain, lumber, fruit, potatoes and hay, required considerable attention.

In conclusion, it might be stated that in order to accomplish the work briefly outlined above, it has necessitated the travelling by the staff of this department of approximately 375,000 miles.

Yours faithfully,

G. SPENCER,
Chief Operating Officer.

STATEMENT No. 1.—Statement showing number of passengers, employees and others killed and injured on the various railways in Canada, under the Board's jurisdiction, for nine months ending December 31, 1919.

Name of Railway.	Passengers.		Employees.		Others.		Total.	
	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.
Grand Trunk.....		138	19	416	37	97	56	651
Canadian Pacific.....	3	83	37	192	54	88	94	363
Canadian National.....	1	26	22	229	23	67	46	322
Grand Trunk Pacific.....		4	2	33	1	5	3	42
Quebec Central.....			1				1	
Toronto, Hamilton and Buffalo.....		1		6	1		1	7
Grand River.....		1	1	1			1	2
Brantford & Hamilton Electric.....					2	1	2	1
Esquimalt & Nanaimo.....				1		1		2
Michigan Central.....		1	3	41	3	3	6	45
Quebec, Montreal & Southern.....				6		1		7
Kettle Valley.....				2		2		4
Algoma Central & Hudson Bay.....		4	1		1	2	2	6
Windsor, Essex & Lake Shore.....		5						5
Wabash.....		6	2	5	1	1	3	12
New York Central.....		2		4	2		2	6
Lake Erie & Northern.....		3		6	1	2	1	11
Vancouver, Victoria & Eastern.....			2	7	2	1	4	8
Pere Marquette.....			1	1		2	1	3
Maine Central.....				1		1		2
Hamilton Radial.....						3		3
	4	274	91	951	128	277	223	1,502

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STATEMENT No. 2.—Comparative statement of killed and injured between years ending March 31, 1919, and nine months ending December 31, 1919.

	Passengers.		Employees.		Others.		Total.	
	Killed.	Injured.	Killed	Injured.	Killed.	Injured.	Killed.	Injured.
Year ending March 31, 1919.....	28	202	117	1,344	119	267	264	1,813
Nine months ending Dec. 31, 1919.	4	274	91	951	128	277	223	1,502
Increase.....		72			9	10		
Decrease.....	24		26	393			41	311

STATEMENT No. 3.—Statement showing separately the number of Passengers, employees and others killed and injured, and the nature of the accidents, for nine months ending December 31, 1919.

Character of Accidents.	Passengers.		Employees.		Others.		Total.	
	Killed.	Injured	Killed.	Injured	Killed.	Injured.	Killed.	Injured.
Derailment.....	1	124	12	106		17	13	247
Collision, head-on.....		59	4	26			4	85
Collision, rear-end.....			1	15			1	15
Collision in yard.....		1		20				21
Collision with cars standing foul of main line.....				1				1
Collision with cars account open switch.....		10	1	9	1	1	2	20
Collision at grade level (diamond) crossing.....				2		1		3
Public highway crossing protected by gates.....					4	9	4	9
Public highway crossing protected by bell.....					4	7	4	7
Public highway crossing protected by watchman.....					4	9	4	9
Public highway crossing unprotected.....				2	36	136	36	138
Private crossing.....					3	13	3	13
Trespassing.....			2	3	62	65	64	68
Working on or under engine.....				97				97
Miscellaneous.....	1	34	5	196	6	7	12	237
Adjusting couplers, coupling and uncoupling.....			3	59			3	59
Working on track or bridge.....			5	36			5	36
Falling off hand car, motor or velocipede.....			3	49	2		5	49
Hand car, motor or velocipede struck by train.....			6	8	1		7	8
Crawling under cars.....						1		1
Crawling through cars over couplers.....				4				4
Caught while passing through cars between couplers.....				2	1		1	2
Struck by car standing foul.....			2	4			2	4
Struck by switch stand, water spout, mail crane, etc.....				25				25
Crushed between cars, building, lumber pile, platform, etc.....				6				6
Explosion of locomotive boiler.....								
Falling off passenger train.....	1	11		6			1	17
Falling off tender while handling coal.....			1	3			1	3
Falling off tender while taking water.....				8				8

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STATEMENT No. 3.—Statement showing separately the number of Passengers, employees and others killed and injured, and the nature of the accidents, for nine months ending December 31, 1919.—*Concluded.*

Character of Accidents.	Passengers.		Employees.		Others.		Total.	
	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.
Industrial.....			3	18			3	18
Riding on pilot of engine.....			2	14			2	14
Overhead bridge.....				8				6
Repairing cars on running track when moved by engine.....				1				1
Falling off top of car.....			7	37			7	37
Falling between cars going over top			1	5			1	5
Application of air brake.....		3	1	15			1	18
Jumping off train in motion.....		22		26	1	6	1	54
Attempt to board train in motion..	1	10		20		1	1	31
Washout.....								
Bridge gave way or burnt.....								
Electrocuted.....								
Run down by engine or car.....			25	40	2	1	27	41
Passing too close around end of string of car.....								
Caught in frog, guard rail or switch rod.....				3				3
Caught by engine or car while throwing switch.....				2				2
Falling off cars while climbing up and coming down side or end ladders.....				13				13
Falling off car while working hand- brake.....				11				11
Asphyxiated in tunnel.....			1				1	
Handling freight.....			1	20			1	20
Loading and unloading O.C.S. material.....			2	15	1		3	15
Building and repairing.....			1				1	
Working in coal chute.....				4				4
Cars moved while loading and un- loading.....				3		3		6
Drawbridge open.....								
Repairing cars on running track when moved by engine.....			1	2			1	2
Locomotive dropping crown sheet of fire box.....				4				4
Coupling and uncoupling air hose...			1	3			1	3
	4	274	91	951	128	277	223	1,502

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STATEMENT No. 5.—Comparative statement in totals of killed and injured between year ending March 31, 1919, and nine months ending December 31, 1919, separately for each period.

Character of Accidents.	1919.		9 months, 1919.		1919.			
					Increase.		Decrease.	
	K.	I.	K.	I.	K.	I.	K.	I.
Derailment.....	9	159	13	247	4	88		
Collision, head-on.....	8	57	4	85		28	4	
Collision, rear-end.....	3	53	1	15			2	38
Collision in yard.....	2	40		21			2	19
Collision with cars standing foul on main line.....		1		1				
Collision with cars account open switch.....	1	7	2	20	1	13		
Collision at grade level (diamond) crossing.....	3	18		3			3	15
Public highway crossing protected by gates.....	3	20	4	9	1			11
Public highway crossing protected by bell.....	10	20	4	7			6	13
Public highway crossing protected by watchman.....	1	7	4	9	3	2		
Public highway crossing unprotected.....	27	115	36	138	9	23		
Private crossing.....	3	6	3	13		7		
Trespassing.....	77	102	64	68			13	34
Working on or under engine.....	1	180		97			1	83
Miscellaneous.....	20	288	12	237			8	51
Adjusting couplers, coupling and uncoupling.....	6	75	3	59			3	16
Working on track or bridge.....	2	61	5	36	3			25
Falling off handcar, motor or velocipede.....	7	36	5	49		13	2	
Handcar, motor or velocipede struck by train.....	10	15	7	8			3	7
Crawling under cars.....		1		1				
Crawling through cars over couplers.....		7		4				3
Caught while passing through cars between couplers.....	2	4	1	2			1	2
Struck by car standing foul.....	1	6	2	4	1			2
Struck by switch stand, water spout, mail crane, etc.....	2	22		25		3	2	
Crushed between cars, building, lumber pile, platform, etc.....	3	13		6			3	7
Explosion of locomotive boiler.....								
Falling off passenger train.....	7	7	1	17		10	6	
Falling off tender while handling coal.....		3	1	3	1			
Falling off tender while taking water.....		6		8		2		
Industrial.....	1	97	3	18	2			79
Riding on pilot of engine.....		16	2	14	2			2
Overhead bridge.....	1	7		8		1	1	
Repairing cars on running track when moved by engine.....		1		1				
Falling off top of car.....	2	37	7	37	5			
Falling between cars going over top.....	3	9	1	5			2	4
Application of air brake.....		33	1	18	1			15
Jumping off train in motion.....	5	46	1	54		8	4	
Attempt to board train in motion.....	3	35	1	31			2	4
Washout.....								
Bridge gave way or burnt.....								
Electrocuted.....	2						2	
Run down by engine or car.....	32	54	27	41			5	13
Passing too close around end of string of cars.....								
Caught in frog, guard rail or switch rod.....		6		3				3
Caught by engine or car while throwing switch.....		5		2				3
Falling off cars while climbing up and coming down side or end ladders.....		21		13				8
Falling off car while working hand brake.....	1	12		11			1	1
Asphyxiated in tunnel.....	1		1					
Handling freight.....		42	1	20	1			22
Loading and unloading O.C.S. material.....		19	3	15	3			4
Building and repairing.....		4	1		1			4
Working in coal chute.....	1	8		4			1	4
Cars moved while loading and unloading.....		12		6				6
Drawbridge open.....	1						1	
Repairing cars on running track when moved by engine.....	2	7	1	2			1	5
Locomotive dropping crown sheet of fire box.....	1	8		4			1	4
Coupling and uncoupling air hose.....		5	1	3	1			2
	264	1,813	223	1,502	39	198	80	509
	223	1,502					39	198
Decrease.....	41	311					41	311

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STATEMENT No. 6.—Comparative statement in totals of killed and injured between year ending March 31, 1919, and nine months ending December 31, 1919, for each railway separately.

Name of Railway.	1919.		9 months 1919.		9 months, 1919.			
					Increase.		Decrease.	
	K.	I.	K.	I.	K.	I.	K.	I.
Grand Trunk.....	69	771	56	651			13	120
Canadian Pacific.....	139	276	94	363		87	45	
Canadian National.....	27	424	46	322	19			102
Grand Trunk Pacific.....	6	79	3	42			3	37
Quebec Central.....			1		1			
Toronto, Hamilton and Buffalo.....	3	24	1	7			2	17
Grand River.....			1	2	1	2		
Brantford and Hamilton Electric.....		8	2	1	2			7
Esquimalt and Nanaimo.....	1	6		2			1	4
Michigan Central.....	10	120	6	45			4	75
Quebec, Montreal and Southern.....	1	7		7			1	
Kettle Valley.....		1		4		3		
Algoma Central and Hudson Bay.....	1		2	6	1	6		
Windsor Essex and Lake Shore.....	3	4		5		1	3	
Wabash.....	1	17	3	12	2			5
New York Central.....		6	2	6	2			
Lake Erie and Northern.....		4	1	11	1	7		
Vancouver Victoria and Eastern.....	2	25	4	8	2			17
Pere Marquette.....		6	1	3	1			3
Maine Central.....				2		2		
Hamilton Radial.....				3		3		
British Columbia Electric.....		1						1
Hull Electric.....	1						1	
London and Port Stanley.....		19						19
Edmonton, Dunvegan and British Columbia.....		6						6
Canadian Government.....		9						9
	264	1,813	223	1,502	32	111	73	422
	223	1,502					32	111
Decrease.	41	311					41	311

11 GEORGE V, A. 1921

STATEMENT No. 7.—Statement Showing Collisions Attended by Personal Injury
Investigated During the Nine Months Ending December 31, 1919

File	Date	Railway	PLACE	Killed	Injured
Inv. 6589	Mar. 9	G.T.R.	Southwark, Que.....	—	1
" 6655	April 24	G.T.R.	Turcot, Que.....	—	1
" 6686	May 2	G.T.R.	St. Henri, Que.....	—	2
" 6708	May 12	G.T.R.	Kitchener, Ont., King St. Crossing.....	—	2
" 6748	June 13	M.C.R.	Windsor, Yard, Ont.....	—	1
" 6771	June 10	G.T.R.	Belleville, Ont., Coal Dock.....	—	1
" 6787	July 2	C.P.R.	Mattawa, Ont.....	—	1
" 6793	April 22	V.V. & E.	Ardley, B.C., Douglas Rd. Crossing.....	—	1
" 6837	Dec. 5	C.N.R.	Drumheller, Midland Mine Spur, M.P. 312·2.....	—	3
" 6842	July 20	G.T.R.	West Toronto, Ont.....	—	5
" 6850	July 8	G.T.R.	Richmond, Que., west end yard.....	—	1
" 6853	June 17	G.T.P.	Watrous, Sask.....	—	1
" 6875	Feb. 28	C.P.R.	M.P. 67, Fernie, S.D.....	2	—
" 6897	July 28	G.T.R.	Windsor, Yard, Ont.....	—	1
" 6928	Aug. 2	G.T.R.	London, Ont., 4th track pass platform.....	—	1
" 6945	July 7	C.P.R.	Laggan, S.D., M.P. 63.....	—	1
" 6953	Sept. 11	C.P.R.	Ouimet, Nipigon, S.D.....	—	1
" 6955	July 6	C.P.R.	Lake Louise, $\frac{3}{4}$ mile from.....	—	7
" 6958	Sept. 3	G.T.R.	Turcot, Que.....	—	1
" 6984	Sept. 5	G.T.R.	Jordan, Ont.....	—	6
" 6996	July 22	G.T.R.	York, Ont.....	—	1
" 7009	Sept. 19	C.P.R.	Sortin Yard, Que.....	—	1
" 7061	Sept. 11	C.N.R.	Rosedale, Ont., Gerrard St. Siding.....	—	3
" 7069	Sept. 24	C.P.R.	Ignace, S.D., M.P., 101 $\frac{3}{4}$	—	2
" 7073	Aug. 12..	C.N.R.	Edmonton, 24th Street crossing, Low Level bridge.....	—	1
" 8006	Oct. 17	G.T.R.	Mallorytown, Ont.....	—	3
" 8024	Oct. 22	C.P.R.	Broadview, S.D.M.P. 73·5.....	—	1
" 8061	Aug. 5	V.V. & E.	Vancouver, B.C.....	—	1
" 8067	Oct. 31	G.V.R.	Hagey's Siding, Ont.....	—	29
" 8086	Aug. 17	C.N.R.	M.P. 97, Joint Section.....	1	—
" 8097	Oct. 7	C.N.R.	Bolger, Ont., M.P. 26, Sudbury, S.D.....	1	3
" 8102	Nov. 1	C.N.R.	Ragged Rapids.....	—	2
" 8128	Nov. 9	C.P.R.	Broadview Yard, Man.....	—	1
" 8163	Nov. 16	C.N.R.	Cartier, Man.....	—	1
" 8168	Nov. 21	C.P.R.	Chelmsford, Ont.....	—	1
" 8174	Nov. 22	C.P.R.	Between Terrebonne & St. Vincent de Paul, Que....	2	38
" 8186	Nov. 19	C.N.R.	Saskatoon, Sask.....	—	2
" 8189	Dec. 2	C.N.R.	Falding.....	—	1
" 8192	Nov. 24	C.P.R.	Broadview Yard, Man.....	—	2
" 8194	Nov. 25	C.P.R.	Saskatoon, 2 miles west of.....	—	4
" 8227	Dec. 2	C.P.R.	Moose Jaw Yard, Sask.....	—	2
" 8236	Dec. 11	C.P.R.	Milan, Que., Passing track.....	2	4
" 8247	Dec. 20	C.P.R.	Verona, Ont.....	—	4
" 8257	Dec. 16	C.P.R.	Stralak Station, Ont.....	—	9
" 8263	Dec. 26	G.T.R.	Port Colborne, Ont., Government Elevator.....	—	1
" 8264	Dec. 11	C.P.R.	Swift Current, S.D., M.P. 63, 10 poles west.....	1	2
" 8270	Dec. 26	G.T.R.	Beaconsfield, Que., $\frac{1}{2}$ mile west of station.....	—	3

Total number investigations..... 47
Total number killed..... 9
Total number injured..... 160

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STATEMENT No. 8.—Showing Derailments Attended by Personal Injury Investigated
During the Nine Months Ending December 31, 1919

File	Date	Railway	PLACE	Killed	Injured
Inv. 6577	Mar. 17	G.T.P.	Between Raymore & Semans, M.P. 367.....	—	1
" 6580	Jan. 25	C.N.R.	Hanna S.D., M.P. 159.6.....	—	1
" 6583	Mar. 3	C.P.R.	Bredenberg, M.P. 23.....	—	1
" 6592	Mar. 20	C.N.R.	Rosburn S.D., M.P. 86, four poles west.....	—	4
" 6599	Mar. 14	C.N.R.	Hartney S.D., 4 poles west M.P. 126.....	—	1
" 6606	Feb. 8	G.T.P.	Archdale, Sask.....	—	1
" 6616	Mar. 26	M.C.R.	Windsor, Ont.....	—	1
" 6631	Mar. 24	C.N.R.	Ardath yard, Sask.....	—	1
" 6632	April 2	C.N.R.	Irondale, S.D., 2 poles east M. P. 49.....	3	1
" 6633	Jan. 22	G.T.P.	Calgary, Alta.....	—	1
" 6635	April 19	W.E.&L.S.	Kingsville, Ont.....	—	1
" 6660	May 8	Wabash	Darling Road, 1 $\frac{3}{4}$ miles east.....	—	5
" 6665	April 24	G.T.R.	Corbyville, Ont., 1 mile west.....	2	6
" 6672	Mar. 31	C.N.R.	Hervey Sd., M.P. 7.....	—	1
" 6678	May 10	C.P.R.	McFerson, Ont.....	—	1
" 6684	May 14	G.T.P.	Miniota, Man.....	—	3
" 6699	May 30	G.T.R.	Sidney, Ont.....	—	1
" 6720	May 29	G.T.R.	London, Ont.....	—	6
" 6722	June 3	G.T.R.	Cardinal, Ont., 3 miles west.....	—	1
" 6723	June 10	G.T.R.	Kerwood, Ont.....	—	47
" 6725	May 4	C.N.R.	Iron Spur, S.W.....	—	3
" 6726	May 23	C.P.R.	South Junction, Tower.....	—	1
" 6729	June 17	G.T.R.	Sunnyside, Ont.....	1	—
" 6732	May 27	G.T.R.	Trenton, Ont., 1 mile west.....	—	1
" 6734	June 12	C.N.R.	Nipigon, S.D., M.P. 135.5.....	—	1
" 6737	June 17	G.T.R.	Ops, $\frac{1}{2}$ mile east Ont.....	—	3
" 6738	June 13	G.T.R.	Beaverton, Ont., 2 miles east.....	—	14
" 6763	June 14	G.T.R.	St. Rosalie Junction, Que.....	—	1
" 6764	June 14	T.H. & B.	Between Smithville & Granies, Ont.....	—	8
" 6766	May 22	C.N.R.	Lachute, S.D., 4 miles east M. P. 48.....	—	1
" 6767	June 9	G.T.R.	Sarnia Tunnel, Ont.....	—	2
" 6780	July 6	C.P.R.	North Bay, S.D., M.P., 31, Ont.....	—	1
" 6796	June 30	G.T.R.	Port Hope, Ont., 2 miles west.....	2	9
" 6800	Mar. 17	V.V. & E.	Ardley, B.C.....	—	1
" 6816	July 1	G.T.P.	M.P. 553, three poles east of.....	—	—
" 6823	May 21	C.N.R.	Edmonton S.D., 11 poles west of M.P. 708.....	—	1
" 6835	June 30	C.N.R.	Parry Sound, Ont.....	1	—
" 6836	July 2	C.N.R.	Sudbury S.D., M.P. 6, Ont.....	—	1
" 6838	April 18	C.N.R.	Blue River S.D., Bridge 88.7.....	1	2
" 6847	July 10	G.T.P.	Between Zelma and Allen, Near M.P. 433.....	1	1
" 6849	Aug. 4..	C.P.R.	North Bay S.D., M.P. 34 $\frac{3}{4}$	—	1
" 6861	July 6	C.N.R.	Peace River Jct.....	1	1
" 6903	Aug. 6	C.N.R.	M.P. 47, five poles west.....	3	—
" 6936	Aug. 21	G.T.R.	Burnt River, $\frac{1}{2}$ mile south.....	—	1
" 6950	Aug. 23	C.N.R.	Plouffe Trestle, Montfort S.D.....	—	2
" 6952	Aug. 29	N.Y.C.	Valleyfield, Que.....	—	1
" 6957	Sept. 7	C.N.R.	Thorlake, Ont., 4 miles east of M.P. 32.....	—	1
" 6968	July 5	C.N.R.	St. Felicien, two miles west of.....	—	2
" 6978	Sept. 17	C.N.R.	Morrin, S.D. Alta., 13 poles south of M.P. 154.....	—	2
" 7011	Aug. 23	G.T.R.	London, Ont.....	1	1
" 7014	Sept. 1	P.M.R.	Coatsworth, Ont.....	—	1
" 7024	Sept. 13	C.P.R.	Clearwater, 4 miles west M.P. 25.....	—	1
" 7025	Sept. 13	C.P.R.	Regent, Sask.....	—	3
" 7050	Oct. 1	G.T.R.	Toronto, C.P.R., diamond Don.....	—	3
" 7054	Oct. 1	G.T.R.	Belleville, Ont.....	1	—
" 7087	Sept. 26	C.P.R.	New Sarum, Ont.....	—	1
" 7093	Aug. 26	C.N.R.	Big Valley, Alta., 3, 2 south of.....	—	3
" 8000	Oct. 23	G.T.R.	Rideau, Ont.....	—	4
" 8005	Oct. 19	G.T.R.	Reaboro Station, 10 poles west.....	—	4
" 8014	Oct. 11	G.T.R.	St. Louis.....	—	2
" 8023	Oct. 11	C.N.R.	Kipling S.D., 22 poles west M.P. 127.....	—	2
" 8027	July 20	C.P.R.	Empress S. D., M.P. 28.....	—	1
" 8043	Oct. 26	C.P.R.	Between Ripley and Gilden.....	1	1
" 8045	Nov. 3	G.T.R.	Seneca.....	—	1

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STATEMENT No. 8.—Showing Derailments Attended by Personal Injury Investigated
During the Nine Months Ending December 31, 1919—*Concluded*

File	Date	Railway	PLACE	Kil- led	In- jured
Inv. 8080	Aug. 23	C.N.R.	Miami S.D., Mileage 78.....	—	1
" 8101	Nov. 10	C.N.R.	Macduff.....	—	1
" 8127	Sept. 28	C.N.R.	Prince Albert S.D., Near M.P. 300.....	—	2
" 8129	Nov. 4	G.T.P.	Oban M.P. 537, Main Line.....	—	2
" 8132	Nov. 2	G.T.P.	Between Vera and Winter, M.P. 602, Main Line.....	—	6
" 8138	Nov. 14	A.C.&B.B.	Sault Stel Marie, Ont.....	—	4
" 8154	Nov. 29	C.P.R.	Sudbury M.P. 77, Cartier S.D., M.P. 77.....	1	3
" 8181	Dec. 13	C.N.R.	Darwell, 2 miles west of.....	—	1
" 8182	Nov. 11	C.N.R.	Hughton, 1 mile west of.....	—	1
" 8185	Nov. 19	G.T.R.	Sarnia, Ont.....	—	1
" 8191	Dec. 8	C.N.R.	Thorlake M.P. 40, 4 miles west.....	—	2
" 8211	Dec. 18	C.P.R.	Smiths Falls, 1 mile east.....	—	21
" 8237	Dec. 27	G.T.R.	Algonquin Park, Ont., M.P. 304.....	—	3
" 8253	Dec. 27	C.P.R.	Montreal, Mile End, Que.....	—	1

Total number investigations..... 78
Total number killed..... 19
Total number injured.....224

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STATEMENT No. 9—Showing Highway Crossing Accidents Attended by Personal Injury Investigated During the Nine Months Ending December 31, 1919

File	Date	Railway	PLACE	Killed	Injured	Protection	Remarks
Inv. 6572	Mar. 23	G.T.R.	Port Union, Ont., Kingston Road.....	1	3	Bell	Auto
" 6586	Mar. 20	C.N.R.	Portage la Prairie, Man., Gaddy Street.....	-	1	Unprotected	Mail sleigh
" 6594	Mar. 29	G.T.R.	Strathroy, Caradoc Street.....	-	2	Unprotected	Pedestrian
" 6597	Mar. 19	M.C.R.	Welland, Ont., Stone Road.....	-	1	Unprotected	Auto
" 6603	Mar. 20	G.T.R.	Peterboro, Ont., Lake St.....	-	1	Unprotected	Pedestrian
" 6604	Mar. 24	G.T.R.	Brockville, Ont., Perth Street.....	-	1	Gates	Auto
" 6610	April 4	C.P.R.	Cabri, Empress S.D. Rd., Allowance between Secs. 29 and 30.....	-	1	Unprotected	Horse and rig
" 6612	April 7	G.T.R.	St. Marys Junction, Ont., Long Crossing 2 miles west.....	-	1	Unprotected	Horse and rig
" 6619	April 22	G.T.R.	Lawrence, 1st crossing east of station.....	-	1	Unprotected	Pedestrian
" 6640	April 24	C.P.R.	Etobicoke, Mileage 7.85, Galt S.D.....	1	-	Unprotected	Auto
" 6664	May 7	C.P.R.	Oshawa, crossing 2½ miles east.....	2	-	Unprotected	Horse and rig
" 6670	April 14	C.P.R.	Cookshire Station, 1,600 feet west of.....	1	-	Unprotected	Pedestrian
" 6679	May 19	G.T.R.	Orillia, Missanaga Street.....	-	-	Unprotected	Horse and rig
" 6685	April 18	C.N.R.	St. Boniface, Man., St. Joseph Street.....	-	1	Unprotected	Horse and rig
" 6693	May 19	P.M.R.	Blenheim, Ont., Talbot Street.....	-	1	Unprotected	Pedestrian
" 6695	May 26	C.P.R.	Carleton Place, Ont., William Street.....	-	1	Unprotected	Pedestrian
" 6696	May 15	Me. C.R.	Beecher Falls, Que., crossing ½ mile west.....	3	1	Bell	Auto
" 6702	April 9	C.N.R.	Fort William, Ont., Kings Crossing.....	-	1	Unprotected	Horse and rig
" 6703	April 25	C.N.R.	Minto Station, Johnston Street.....	-	1	Unprotected	Auto
" 6728	June 6	G.T.R.	Cobourg, Ont., Carrs Crossing.....	-	1	Unprotected	Horse and rig
" 6739	June 11	C.N.R.	Bell's Corners M.P. 5, Pembroke S.D.....	-	1	Unprotected	Auto
" 6744	June 14	G.T.R.	North Fredenburg, Mooneys Crossing, 2 miles east.....	1	-	Unprotected	Pedestrian
" 6750	June 18	G.T.R.	Vankleek Hill, crossing at station.....	3	2	Unprotected	Auto
" 6758	June 21	G.T.R.	Forest, Ont., Road crossing 3 miles east.....	-	-	Unprotected	Horse and rig
" 6761	June 20	G.T.R.	Danby, crossing 200 feet east of station.....	-	1	Unprotected	Auto
" 6765	June 17	C.N.R.	Humberstone, Killaly Street.....	-	1	Unprotected	Auto
" 6775	June 16	G.T.R.	Peterboro, Ont., Lock Street.....	1	-	Unprotected	Pedestrian
" 6776	June 3	C.N.R.	Letellier, 500 feet south M.P., 53 Emerson S.D.....	-	1	Unprotected	Pedestrian
" 6784	June 23	C.P.R.	Toronto, Royce Avenue.....	-	5	Unprotected	Auto
" 6790	July 1	C.N.R.	Port Hope crossing Mile 63.5 Orono S.D.....	-	2	Gates	Motor Cycle
" 6799	July 1	G.T.R.	Canfield, 1st crossing east.....	-	1	Unprotected	Horse and rig
" 6808	July 5	C.P.R.	St. Stephens S.D., M.P. 32.1.....	-	1	Unprotected	Auto
" 6815	July 9	G.T.R.	Brockville, Ont., North Augusta Road.....	-	1	Unprotected	Auto
" 6828	June 18	G.T.R.	Waterville, ¼ mile west.....	3	-	Unprotected	Horse and rig
" 6839	July 4	C.P.R.	Winnipeg, Aberdeen Avenue.....	-	4	Unprotected	Auto
" 6845	July 10	G.T.R.	St. Catharines, Page Street.....	2	2	Unprotected	Auto
" 6846	July 19	C.P.R.	Pontypool, 2nd crossing east of.....	-	1	Unprotected	Auto
" 6857	June 17	N.S.C. & T.	Niagara Falls, Victoria Avenue.....	-	2	Unprotected	Auto
" 6862	July 28	C.P.R.	Roxton Falls, Que., Notre Dame Street.....	1	-	Unprotected	Motor truck
" 6864	July 18	C.N.R.	Humboldt, Sask., Park Street crossing.....	-	1	Unprotected	Pedestrian
" 6869	July 15	G.T.R.	Amagari, Garrison Road crossing.....	-	4	Unprotected	Auto

STATEMENT No. 9.—Showing Highway Crossing Accidents Attended by Personal Injury Investigated During the Nine Months Ending December 31, 1919.—Continued

File	Date	Railway	PLACE	Killed	Injured	Protection	Remarks
Inv. 6872	July 31	C.N.R.	M.P. 4—9 poles west, Winnipeg S.D.	—	2	Unprotected	Auto
" 6874	Aug. 12	G.T.R.	Carlsbad Springs, Ont., 3rd crossing east of station	2	—	Unprotected	Horse and rig
" 6878	July 11	C.N.R.	Montreal, Nicolet Street	—	1	Unprotected	Auto
" 6885	July 29	G.T.R.	Sundridge, Ont., John Street	—	2	Unprotected	Auto
" 6884	Aug. 5	C.P.R.	Toronto, Riverdale Park crossing, Don	—	2	Watchman	Pedestrian
" 6887	July 17	G.T.R.	Bracebridge, Ont., Charles Street	—	1	Unprotected	Pedestrian
" 6900	June 17	C.N.R.	Swan Lake, first crossing west	—	1	Unprotected	Team
" 6906	July 21	C.P.R.	Sintaluta, crossing east of station	—	1	Unprotected	Auto
" 6908	July 8	G.T.R.	Meaford, Ont., Boucher Street	—	1	Unprotected	Auto
" 6914	Aug. 18	C.N.R.	Trenton, Ont., Dundas Street	—	2	Watchman	Auto
" 6930	Aug. 20	C.N.R.	Clarendon Station, 2 miles east	2	—	Unprotected	Horse and rig
" 6931	Aug. 22	C.N.R.	Pointe aux Trembles, Que., 6th Avenue	1	—	Unprotected	Horse and rig
" 6932	Aug. 16	P.M.R.	Leamington, Ont., 1 1/4 miles east	—	1	Unprotected	Motor truck
" 6941	Aug. 15	G.T.R.	Port Colborne, Ont., Killaly Street	—	1	Unprotected	Auto
" 6942	Sept. 4	A.C. & H.B.	Sault Ste. Marie, Ont., Huron Street	—	1	Unprotected	Motor truck
" 6962	Aug. 14	C.P.R.	Cupar, 1st crossing west	—	1	Unprotected	Pedestrian
" 6979	July 31	G.T.R.	Toronto, Cherry Street	—	5	Unprotected	Auto
" 6991	Sept. 17	G.T.R.	Kingston Jct., 2 miles west of	—	1	Unprotected	Horse and rig
" 6999	Aug. 29	M.C.R.	Ruscombe, 1 mile west of	—	1	Unprotected	Auto
" 7001	Sept. 18	G.T.R.	Lacolle Jct., 1st crossing west	—	4	Unprotected	Auto
" 7003	Sept. 5	C.P.R.	Perth Junction, Bridge St. crossing	—	2	Unprotected	Auto
" 7007	Aug. 18	C.N.R.	Allenby Jct., 1st crossing east	—	1	Unprotected	Horse and rig
" 7036	Sept. 16	G.T.R.	New Hamburg, Ont., Waterloo Street	1	—	Unprotected	Pedestrian
" 6992	Sept. 5	C.N.R.	Colbright Pit, Kingston Road	—	1	Unprotected	Auto
" 7041	Aug. 16	H.R.E.	Hamilton, Ont., Birmingham Avenue	—	3	Unprotected	Auto
" 7044	Aug. 31	B. & H.E.	Brantford, Ont., east of Echo Stop	1	—	Unprotected	Pedestrian
" 7045	Oct. 4	G.T.R.	Lindsay, Ont., Kent Street	—	1	Unprotected	Auto
" 7048	Sept. 24	G.T.R.	Tillsonburg, Ont., Rolph Street	—	2	Unprotected	Auto
" 7049	Sept. 19	C.P.R.	Azure, 6 poles south M.P. 43	—	1	Unprotected	Auto
" 7055	Sept. 2	C.P.R.	Neepawa, 1st Road Allowance west	—	1	Unprotected	Auto
" 7056	Sept. 26	C.P.R.	High Bluff, Road Allowance just west of	—	1	Unprotected	Horse and rig
" 7060	Aug. 13	G.T.R.	Hamilton, Ont., King Street	—	1	Unprotected	Pedestrian
" 7064	Sept. 5	G.T.R.	Newton, 1st crossing north	—	1	Unprotected	Auto
" 7070	Oct. 4	G.T.R.	Niagara Falls, Hydro crossing west of	—	3	Unprotected	Auto
" 7081	Oct. 14	G.T.R.	Dorval, Que., 1st crossing west of station	—	1	Unprotected	Auto
" 7082	Oct. 7	C.P.R.	Brockville, Ont., Elm Street	1	—	Gates	Pedestrian
" 7083	Oct. 9	G.T.R.	Prescott, Ont., Ed. Street, 1/4 mile east	—	1	Unprotected	Auto
" 7086	Sept. 26	C.P.R.	Soo, Ont., Albert Street west	1	—	Bell	Pedestrian
" 7096	Oct. 2	G.T.R.	Milton, Ont., 1st crossing 1/4 mile north	—	2	Unprotected	Auto
" 8003	Aug. 19	C.P.R.	Crow's Nest S.D., M.P. 96.8	—	1	Unprotected	Auto

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8016	Oct. 18	G.T.R.	Montreal, Que., Vinet Street.....	-	1	Gates	Pedestrian
" 8017	Oct. 8	C.N.R.	Montreal, Que., Moreau Street.....	1	2	Gates	Pedestrian
" 8019	Sept. 26	G.T.R.	St. Hubert, Que., crossing west of station.....	-	-	Bell	Auto
" 8025	Sept. 29	C.P.R.	Yorkton, Sask., Broadway crossing.....	1	5	Watchman	Auto
" 8026	Sept. 29	C.P.R.	Creacy, 2 miles north of.....	1	2	Unprotected	Auto
" 8030	Sept. 23	C.P.R.	Lang Station, 125 yards south.....	-	4	Unprotected	Auto
" 8038	Oct. 13	G.T.R.	Kitchener, Ont., Lancaster Street.....	-	2	Bell	Taxicab
" 8039	Oct. 17	C.P.R.	Portage la Prairie, Man., Lee Street.....	2	-	Unprotected	Auto
" 8040	Oct. 20	G.T.R.	Guelph, Ont., Victoria Road crossing.....	4	-	Unprotected	Horse and rig
" 8048	Sept. 29	L.E. & N.	Wilsonville Station, Ont.....	-	-	Unprotected	Auto
" 8051	Oct. 11	C.P.R.	Chatham, Colborne Street.....	-	1	Unprotected	Auto
" 8055	Oct. 23	C.P.R.	Glen Tay, crossing M.P. 13.....	-	1	Unprotected	Auto
" 8063	Oct. 13	C.N.R.	North Battleford, crossing 2 miles east.....	1	-	Unprotected	Pedestrian
" 8077	Oct. 16	C.N.R.	Craik Station, crossing north of.....	-	1	Unprotected	Auto
" 8095	Oct. 14	G.T.R.	Toronto, Ont., George Street.....	1	-	Unprotected	Pedestrian
" 8109	Sept. 22	C.P.R.	Bedford, I ain Street.....	1	-	Watchman	Pedestrian
" 8133	Sept. 13	C.P.R.	River de Chute.....	-	1	Unprotected	Horse and rig
" 8146	Nov. 16	C.N.R.	Amon Station, 1st crossing north of.....	-	1	Unprotected	Horse and rig
" 8151	Nov. 24	C.P.R.	Almonte, Ont., John Street crossing.....	-	2	Unprotected	Horse and rig
" 8171	Oct. 18	G.T.R.	Montreal, Mountain Street.....	1	-	Bell	Pedestrian
" 8172	Sept. 27	C.P.R.	Quebec, Marie de L'Carnation Street.....	-	1	Gates	Pedestrian
" 8177	Nov. 22	C.N.R.	Allenby Jct., Quinn's crossing.....	-	1	Unprotected	Motor truck
" 8184	Nov. 20	N.S.T.C. & T.	Niagara Falls, Stanley Street.....	-	2	Unprotected	Horse and rig
" 8188	Oct. 9	C.N.R.	Montreal, Gamble Street.....	-	1	Unprotected	Auto
" 8193	Dec. 1	G.T.R.	Brantford, Dalhousie Street.....	-	1	Unprotected	Pedestrian
" 8196	Dec. 16	G.T.R.	Toronto, Mowatt Street.....	-	1	Unprotected	Horse and rig
" 8201	Sept. 29	C.P.R.	Ste. Therese, Que., Sanchi Street.....	-	1	Unprotected	Auto
" 8205	Nov. 26	C.N.R.	Dauphin, Man., yard, west crossing.....	-	1	Unprotected	Horse and rig
" 8209	Dec. 5	G.T.R.	London, Ont., Clarence Street.....	-	1	Unprotected	Auto
" 8212	Nov. 3	C.N.R.	Birnie, 2 miles west of.....	-	1	Gates	Pedestrian
" 8214	Dec. 18	C.P.R.	Ottawa, Ont., Carleton Avenue.....	-	1	Unprotected	Horse and rig
" 8219	Dec. 6	C.N.R.	Miami, $\frac{3}{4}$ mile east of.....	-	1	Unprotected	Pedestrian
" 6793	April 22	V.V. & E.	Ardley, B.C., Douglas Road crossing.....	-	1	Unprotected	Auto
" 7020	Sept. 20	C.P.R.	Toronto, Eastern Avenue, Don.....	-	1	Gates	Team & wagon
" 7046	Sept. 22	G.T.R.	Peterboro, Ont., Charlotte Street.....	-	2	Unprotected	Team & wagon
				-	1	Gates	Auto
				-	-	Gates	Motor car
				-	-	Gates	Pedestrian

Total number o investigations.....116
Total number killed.....41
Total number injured.....149...

STATEMENT No. 10.—Showing Accidents to Employees While Working on or Under Engines, Investigated During the Nine Months ending December 31, 1919

File	Date	Railway	PLACE	REMARKS	Kil- led	In- jured
Inv. 6615	April 2	G.T.R.	Sarnia Tunnel Station, Ont.	When tightening steam joint, union nut blew off.	-	1
" 6647	Mar. 16	G.T.R.	Victoriaville, Que.	When putting second fire into engine, fire burst through door.	-	1
" 6651	April 29	G.T.R.	Brockville Yard, Ont.	Steam injector in cab of engine burst.	-	1
" 6667	April 26	G.T.R.	Peterboro, Ont.	When taking water at crane, slipped and fell in tank.	-	1
" 6668	May 8	G.T.R.	Watford, Ont.	Shaking grates on engine, shaker bar slipped off.	-	1
" 6669	May 12	G.T.R.	Jarvis, Ont., 3½ miles east of	Flue burst in fire-box of engine.	-	1
" 6677	May 15	C.P.R.	Chalk River, Ont.	Water glass in engine cab burst.	-	1
" 6688	April 24	M.C.R.	St. Thomas, Ont.	Engine tank was pulled from engine, fell between them.	-	1
" 6724	May 26	C.P.R.	Chapleau Yard, Ont.	Mounting side of boiler, slipped and fell to ground.	-	1
" 6730	May 27	G.T.R.	Clinton, Ont.	Tightening delivery pipe joint on engine, nut came off.	-	1
" 6778	June 19	K.V.R.	Coyle, B.C., west of M. 34-8.	Sitting on window sill of engine cab, fell out.	-	1
" 6782	June 24	G.T.R.	Port Colborne, Ont.	Standing on gangway of engine, crushed between cab and tender.	1	1
" 6783	June 14	G.T.R.	Sarnia Tunnel, Ont.	Fore-arms burned while dumping and cleaning fire.	-	1
" 6794	June 28	Wab. R.	Windsor, Ont.	Turned wrong overflow valve.	-	1
" 6795	June 19	G.T.R.	York, Ont.	Reverse lever dropped in corner.	-	1
" 6818	July 12	G.T.R.	Brockville, Ont.	Getting out of cab, fell to ground.	-	1
" 6821	July 5	G.T.R.	Port Dalhousie, Ont.	Putting plug in lubricator, oil blew back into face.	-	1
" 6886	July 29	G.T.R.	Gananoque Jet., Ont.	Fingers caught in vestibule tender and cab of engine.	-	1
" 6891	June 25	C.P.R.	M. 104 MacLeod S.D., Alta.	Jumped from engine to avoid escaping steam, engine failure.	-	1
" 6893	July 19	G.T.R.	Belleville, Ont.	Closing doors on back of tender.	-	1
" 6895	July 19	M.C.R.	Montague, 1 mile east of, Ont.	Taking down side rods and connections.	-	1
" 6899	July 31	G.T.R.	Belleville Yard, Ont.	Climbing front of engine, fell to ground.	-	1
" 6918	July 8	C.N.R.	Ground Hog Pit, Ont.	Sprinkling hose blew off at nipple.	-	1
" 6919	July 22	G.T.R.	Port Hope, Ont.	Working at steam joint.	-	1
" 6934	July 4	C.N.R.	Cobourg, Ont.	Hose flew off injector pipe.	-	1
" 6939	Aug. 13	G.T.R.	Between Caldwell and Eganville, Ont.	Bolt out of reverse lever quadrant bracket, lever dropped down.	-	1
" 6961	Sept. 3	G.T.R.	Copetown, Ont.	Reverse lever jumped out of quadrant.	-	1
" 6966	Aug. 1	C.P.R.	Fredericton Yard, N.B.	While getting out of cab window, fell to ground.	-	1
" 7002	Aug. 31	G.T.R.	Coteau Jet., Que.	While getting down off front of engine, fell to ground.	-	1
" 7008	Sept. 3	G.T.R.	Richmond, Que.	When firing engine, flames issued from fire-box door.	-	1
" 7032	Aug. 23	G.T.R.	Pt. Edward, Ont.	When brake was applied, steam came out of steam pipe.	-	1
" 7038	Aug. 28	Q.M. & S.R.	St. Joseph, Que.	Struck by brake cylinder and apron when dismounting cab.	-	1
" 7065	Sept. 29	C.P.R.	McAdam Yard, N.B.	Superheater header gave out, explosion in fire-box.	-	1
" 7084	Oct. 9	G.T.R.	Toronto, Ont.	Slipped and fell when mounting engine.	-	1
" 8008	Oct. 10	G.T.R.	Belleville, Ont.	Man under engine raking ashpan, engine started.	-	1
" 8029	Aug. 2	C.P.R.	Griffin, Sask.	Fire broke through front end of engine.	-	1
" 8034	Oct. 11	G.T.R.	Scotia Jet.	Removing arch bricks from fire-box.	-	1
" 8047	Nov. 1	C.P.R.	West Toronto, Ont.	Engine moved whilst man was under tender fixing B. rigging.	-	1
" 8050	Oct. 24	G.T.R.	Moose Creek, Ont.	Reversing lever dropped from centre.	-	1
" 8053	Oct. 8	C.P.R.	Hochelaga Round House, Que.	Knee came in contact with latch on fire-box door.	-	1

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8078	Nov. 13	C.N.R.	Vermilion Yard, Alta.....	Torch exploded.....	1
" 8136	Nov. 25	C.P.R.	Ashbury, Man.....	Washout plug of tube sheet blew out.....	1
" 8150	Nov. 25	M.C.R.	Victoria Park, Ont.....	Washout plug on engine blew out.....	2
" 8158	Nov. 17	C.N.R.	Fort Rouge Yards, Man.....	Caught foot in brake gear when engine released brakes.....	1
" 8176	Nov. 28	G.T.R.	Newtonville, Ont.....	Shaker bar slipped off lever.....	1
" 8218	Nov. 14	C.N.R.	Chambord, Que.....	Sprinkler pipe broke.....	1
" 8228	Dec. 18	C.N.R.	Gamebridge, Ont., 1 mile east of.....	Struck by flying pieces of main pin when same broke.....	1
" 8079	Nov. 5	G.T.R.	St. Cyr, Que., 1/2 mile west of.....	Crown stays in front of engine gave way.....	4

Total number of investigations.....	48
Total number killed.....	1
Total number injured.....	51

STATEMENT No. 11.—Statement showing the number of highway crossing accidents with the total number of killed and injured by provinces and railways for the nine months ending December 31, 1919.

Name of Railway.	Nova Scotia.			New Brunswick.			Quebec.			Ontario.			Manitoba.			Saskatchewan.			Alberta.			British Columbia.			Total.		
	Acc.	K.	I.	Acc.	K.	I.	Acc.	K.	I.	Acc.	K.	I.	Acc.	K.	I.	Acc.	K.	I.	Acc.	K.	I.	Acc.	K.	I.	Acc.	K.	I.
Canadian Pacific..																									38	17	53
Grand Trunk.....																									47	18	58
Canadian National..																									28	8	38
Michigan Central...																									4	2	3
Algoma Cen. & H.B.																									1	1	1
Lake Erie & Nor...																									2	1	2
Pere Marquette...																									2	1	1
Kettle Valley...																									1	1	1
Van., Victoria & E.																									1	1	1
Hamilton Radial...																									2	2	1
Brantford & Ham.																									1	1	1
Maine Central.....																									3	48	163
Total.....				2			20	5	25	80	36	88	11	4	18	8	3	19	4			3			128	48	

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STATEMENT No. 12.—Statement showing highway crossings at which protection provided, and nature of protection, during the period of nine months ending December 31, 1919.

File No.	Order No.	Location of Crossing.	Railway.	Nature of Protection.
26765.52	28210	Galt, Ont., Walnut street.....	G.T.R..	Cars to be kept back two car lengths from the south side of Walnut st., while standing on crossing.
26765.86	28257	Aultsville, Ont., crossing 100 feet east.....	G.T.R.....	Automatic bell.
27608.3	28258	Edmonton, Alta., 115th avenue.....	G.T.P.....	Day and night watchman during period of exhibition.
26765.80	28305	Orillia, Ont., Muskoka Road crossing.....	G.T.R.....	Automatic bell.
26842.12	28401	Maidstone, Ont., 1 albot Road crossing.....	M.C.R.....	Automatic bell.
9437.979	28406	Grenfell, Sask., Anderson street.....	C.P.R.....	Two automatic bells, one on either side of tracks, also that trees obstructing the view toward the east at crossing when approaching from the south be cut down and that the watchman's cabin be removed; all cars to be kept back 100 feet east of the street.
9437.574	28547	Niagara Falls, Ont., Bender avenue.....	M.C.R.....	Installation of wig-wag signal.
9437.931	28546	Niagara Falls, Ont., Ferry road.....	M.C.R.....	Installation of wig-wag signal.
26727.34	28892	Renfrew, Ont., Renfrew street.....	C.P.R.....	Cars on north siding to be kept clear 100 feet; and when south siding is used, cars to be kept clear 100 feet.
27929.7	29052	Middlemarch, Ont., crossing near station.....	P.M.R.....	Automatic bell.
26711.17	29130	Fort William, Ont., Brock street.....	C.N.R.....	Wig-wags and automatic bell.
26711.16	29131	Fort William, Ont., Francis street.....	C.N.R.....	Wig-wags and automatic bell.
26711.15	29127	Fort William, Ont., Amelia street.....	C.N.R.....	Wig-wags and automatic bell.
8349.2	29095	Brantford, Ont., St. Paul's avenue.....	G.T.R.....	Subway.

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STATEMENT No. 13.—Statement showing the number of highway crossings at which protection has been ordered by the Board, and the nature of protection set out by provinces, for nine months ending December 31, 1919.

Nature of Protection.	Nova Scotia	New Brunswick.	Quebec.	Ontario.	Manitoba.	Saskatchewan	British Columbia.	Alberta.	Total.
Bell				4		2			6
Subway				1					1
Bell and wig-wag.. ..				3					3
Wig-wag.....				2					2
Watchman, day and night, period of exhibition.....								1	1
Diversion.....				5		1			6
Removal view obstruction.....						2			2
Closing of street.....				1		1			2
Cars to be kept clear on sidings specified distance.....				2		1			3
Bridge.....				2					2
				20		7		1	28

STATEMENT No. 14.—Statement showing number of persons killed and injured at public highway crossings, separately for each year for four years ending March 31, 1919, and nine months ending December 31, 1919.

Year.	Gates.		Bell.		Watchman.		Unprotected		Total.	
	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.
1916.. ..	3	4	9	8	2	5	31	57	45	74
1917.	10	15	4	10	1	13	45	98	60	136
1918.	6	15	9	12	.....	5	52	119	67	151
1919.	3	20	10	20	1	7	27	115	41	162
Nine months ending Dec. 31, 1919.. .	4	9	4	7	4	9	36	138	48	163
	26	63	36	57	8	39	191	527	261	686

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STATEMENT No. 15.—Statement showing the number of highway crossing accidents, the nature of same, for each and every year separately for the four years ending March 31, 1919, and nine months ending December 31, 1919.

	Gates.						Watchman.						Bell.						Unprotected.						Total.				Grand Total.
						Total.						Total.						Total.						Total.					
	1916	1917	1918	1919	Nine mos. 1919.		1916	1917	1918	1919	Nine mos. 1919.		1916	1917	1918	1919	Nine mos. 1919.		1916	1917	1918	1919	Nine mos. 1919.		1916	1917	1918	1919	
Automobile.....	2	1	3	4	10	2	1	3	1	1	8	2	4	5	13	5	29	11	29	45	49	50	184	15	36	54	66	60	231
Horse and rig.....	1	2	1	.....	4	1	4	3	.....	1	9	7	7	3	1	.....	18	49	45	43	28	25	190	58	58	50	29	26	221
Pedestrian.....	6	12	9	4	48	3	1	1	6	3	14	2	4	4	3	1	14	17	25	21	21	22	106	28	42	35	47	30	182
Total.....	7	16	11	20	62	6	6	7	7	5	31	11	15	12	17	6	61	77	99	109	98	97	480	101	136	139	142	116	634

The total of 634 accidents covers 261 persons killed and 686 persons injured, as referred to in preceding statement.

STATEMENT No. 16.—Statement showing the number of trespassers killed and injured by provinces and railways for nine months ending December 31, 1919.

Name of Railway.	Nova Scotia.		New Brunswick.		Quebec.		Ontario.		Manitoba.		Saskatchewan.		Alberta.		British Columbia.		Total.	
	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.
Grand Trunk.....					4	13	14	13			1		3	1			18	26
Canadian Pacific.....				1	7	8	15	10	2					2	1		29	22
Canadian National.....						5	4	4	3	1	1		1				9	13
Grand Trunk Pacific.....							1								1		1	1
Toronto, Hamilton and Buffalo.....																1		1
Esquimalt and Nanaimo.....																		
Michigan Central.....						1												1
Quebec, Montreal and Southern.....																		1
Kettle Valley.....								1									1	1
Agolma Central and Hudson Bay.....							1	1									2	1
Wabash.....					2												2	
New York Central.....								1							2			
Lake Erie and Northern.....																		
Vancouver, Victoria and E.....				1	13	27	36	30	5	2	1	2	4	3	5	3	64	68

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STATEMENT No. 17.—Statement showing the number of persons killed and injured on the various railways under the jurisdiction of the Board from April 1, 1911, until March 31, 1919, and nine months ending December 31, 1919, classified under three headings and shown separately for each and every year.

Year.	Passengers.		Employees.		Others.		Total.	
	K.	I.	K.	I.	K.	I.	K.	I.
1911.	24	132	263	788	207	199	494	1,119
1912.	28	292	230	1,381	231	238	489	1,911
1913.	21	410	303	1,603	319	218	643	2,231
1914.	31	339	249	1,250	314	310	594	1,899
1915.	8	259	99	873	230	251	337	1,363
1916.	17	140	120	788	200	197	337	1,125
1917.	16	280	155	1,174	212	239	383	1,693
1918.	22	342	137	1,220	174	268	333	1,830
1919.	28	202	117	1,344	119	267	264	1,813
1919—9 months.	4	274	91	951	128	277	223	1,502
	199	2,650	1,764	11,372	2,134	2,464	4,097	16,486

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STATEMENT No. 18.—Statement showing the number of persons killed and injured in the more prominent accidents on the various railways under the jurisdiction of the Board shown separately for each year for the four years ending March 31, 1919, and nine months ending December 31, 1919.

	1916.		1917.		1918.		1919.		Nine months end. Dec. 31 1919		Total.	
	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.
Derailment.....	6	55	10	234	19	242	9	159	13	247	57	937
Collision, head-on.....	4	5	6	45	6	47	8	57	4	85	28	239
Collision, rear end.....	11	76	16	42	14	86	3	53	1	15	45	272
Collision in yard.....	26	31	3	13	9	58	2	40	.....	21	40	163
Collision with cars, open switch.....	.....	3	.....	15	.....	7	1	7	2	20	3	52
Collision with cars foul of main line.....	1	.....	2	5	.....	14	.....	1	.....	1	3	21
Collision at level crossing.....	.....	1	2	22	.....	14	3	18	.....	3	5	58
Highway crossing protected.....	14	17	15	38	15	32	14	47	12	25	70	159
Highway crossing unprotected.....	31	57	45	98	52	119	27	115	36	138	191	527
Adjusting couplers, uncoupling, etc.....	5	39	5	53	5	70	6	75	3	59	24	296
Trespassing.....	143	102	129	79	93	64	77	102	64	68	506	415
Hand car, motor, struck by train.....	5	3	6	7	5	11	10	15	7	8	33	44
Struck by switch stand, etc.....	2	6	.....	19	.....	15	2	22	.....	25	4	87
Caught between cars and buildings.....	2	8	1	17	1	12	3	13	.....	6	7	56
Falling off passenger train.....	1	12	4	13	4	13	7	7	1	17	17	62
Falling off top of car.....	5	22	4	21	6	23	2	37	7	37	24	140
Falling between cars going over top.....	.....	3	2	4	1	2	3	9	1	5	7	23
Jumping off train in motion.....	11	38	12	53	6	46	5	46	1	54	35	237
Attempt to board train in motion.....	8	22	4	30	13	24	3	35	1	31	29	142
Run down by engine or car.....	27	42	63	56	43	50	32	54	27	41	192	243
Locomotive dropping crown sheet.....	2	18	3	1	8	4	19	17
	302	542	329	866	310	952	218	920	180	910	1,339	4,190

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STATEMENT No. 19.—Statement showing Number of Cars Inspected together with defects for Nine Months ending December 31, 1919.

Name of Railway.	Cars Inspected.	Cars Defective	Per Cent Defective	Grand Total Defects	Couplers and parts	Per Cent Defective	Uncoupling mechanism	Per Cent Defective	Hand-holds	Per Cent Defective	Air Brakes	Per Cent Defective
Canadian Pacific.....	20,885	1,011	4.84	1,105	30	2.71	207	18.73	18	1.62	667	60.03
Grand Trunk.....	13,173	601	4.56	699	27	3.86	95	13.59	17	2.43	488	69.81
Canadian National.....	7,829	346	4.41	385	11	2.85	79	20.51	12	3.11	222	57.66
Grand Trunk Pacific.....	1,258	69	5.48	73	2	2.73	11	15.06	8	10.95	34	46.57
Pere Marquette.....	632	31	4.90	33	.....	.....	1	3.03	.....	.....	31	93.93
Toronto, Hamilton and Buffalo..	62	2	3.22	2	.....	.....	.....	.....	.....	.....	2	100.00
Boston and Maine.....	60	1	1.66	1	.....	.....	.....	.....	.....	.....	1	100.00
Michigan Central.....	1,690	47	1.78	50	.....	.....	4	8.00	.....	.....	38	76.00
Dominion Atlantic.....	245	30	12.24	30	1	3.33	1	3.33	.....	.....	21	70.00
Quebec Central.....	37	4	10.81	4	.....	.....	.....	.....	.....	.....	3	75.00
	45,871	2,142	4.67	2,382	71	2.98	398	16.70	55	2.30	1,507	63.26

Name of Railway.	Ladders.	Per Cent defective.	Sill Steps.	Per Cent defective.	Height of couplers.	Per Cent defective.	Miscellaneous.	Per Cent defective.
Canadian Pacific.....	45	4.07	97	8.77	5	0.45	36	3.25
Grand Trunk.....	12	1.85	39	5.57	1	0.14	20	2.86
Canadian National.....	8	2.07	25	6.49	3	0.77	25	6.49
Grand Trunk Pacific.....	1	1.58	8	10.95	.....	.....	9	12.32
Pere Marquette.....	1	3.03	.....	.....	.....	.....	.....	.....
Toronto, Hamilton and Buffalo..	.....	.....	.....	.....	.....	.....	.....	.....
Boston and Maine.....	.....	.....	.....	.....	.....	.....	.....	.....
Michigan Central.....	2	4.00	5	10.00	.....	.....	1	2.00
Dominion Atlantic.....	2	6.66	4	13.33	1	3.33
Quebec Central.....	1	25.00
	71	2.98	179	7.51	9	0.37	92	3.86

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STATEMENT No. 20.—Statement showing defective safety appliances on freight cars as reported by the inspectors for nine months ending December 31, 1919.

COUPLERS AND PARTS.

Coupler body broken.....	4
Coupler body worn.....	
Guard arm short.....	
Knuckle broken.....	
Knuckle worn.....	
Knuckle missing.....	5
Knuckle pin broken.....	
Knuckle pin wrong.....	
Knuckle pin bent.....	
Knuckle pin missing.....	6
Lock block broken.....	54
Lock block worn.....	
Lock block wrong.....	
Lock block bent.....	
Lock block inoperative.....	1
Lock block missing.....	1
Lock block key missing.....	
Lock block trigger missing.....	
Total.....	71

UNCOUPLING MECHANISM.

Uncoupling lever broken.....	24
Uncoupling lever wrong.....	2
Uncoupling lever bent.....	27
Uncoupling lever incorrectly applied.....	5
Uncoupling lever missing.....	18
Uncoupling chain broken.....	293
Uncoupling chain too long.....	
Uncoupling chain too short.....	
Uncoupling chain kinked.....	1
Uncoupling chain missing.....	19
End casting broken.....	2
End casting wrong.....	
End casting bent.....	
End casting loose.....	6
End casting incorrectly applied.....	
End casting missing.....	1
Keeper broken.....	
Keeper wrong.....	
Keeper bent.....	
Keeper loose.....	
Keeper incorrectly applied.....	
Keeper missing.....	
Angle clip loose.....	
Total.....	398

HANDHOLDS.

Handhold broken.....	5
Handhold bent.....	34
Handhold loose.....	9
Handhold incorrectly applied.....	
Handhold missing.....	7
Total.....	55

HEIGHT OF COUPLERS.

Coupler too high.....	1
Coupler too low.....	5
Carrier iron loose.....	3
Total.....	9

AIR BRAKES.

Triple valve defective.....	1
Triple valve missing.....	1
Reservoir defective.....	
Reservoir loose.....	1
Cylinder defective.....	21
Cylinder loose.....	54
Cylinder and triple valve not cleaned 12 months.....	19
Cylinder and triple valve not stencilled with date of cleaning.....	
Cut out cock defective.....	37
Release cock defective.....	
Release cock missing.....	
Release rod broken.....	89
Release rod missing.....	59
Angle cock defective.....	101
Angle cock missing.....	1
Train pipe broken.....	13
Train pipe loose.....	60
Train pipe bracket missing.....	18
Crossover pipe defective.....	13
Hose defective.....	
Hose missing.....	33
Hose gasket missing.....	
Retaining valve defective.....	4
Retaining valve missing.....	
Retaining pipe defective.....	49
Retaining pipe missing.....	
Brake rigging defective.....	142
Brake cut out.....	782
Brake cut out card old.....	2
No brakes of any kind.....	7
Pump missing.....	
Total.....	1,507

LADDERS.

Ladder round broken.....	12
Ladder round bent.....	44
Ladder round loose.....	10
Ladder round missing.....	4
Ladder loose.....	1
Ladder incorrectly applied.....	
Total.....	71

SILL STEPS.

Sill step broken.....	4
Sill step bent.....	143
Sill step loose.....	9
Sill step incorrectly applied.....	4
Sill step missing.....	19
Total.....	179

MISCELLANEOUS.

Total.....	92
Grand Total.....	2,382

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STATEMENT No. 21A.—Statement of defects on freight cars shown separately for four years ending March 31, 1919, and nine months ending December 31, 1919.

	1916.	1917.	1918.	1919.	Nine mos. ending Dec. 31, 1919	Total.
Couplers and parts.....	100	100	54	109	71	434
Uncoupling mechanism.....	551	548	470	809	398	2,776
Handholds.....	340	291	158	152	55	996
Air brakes.....	3,127	1,887	1,710	2,959	1,507	11,190
Ladders.....	151	99	97	142	71	560
Sill steps.....	213	195	158	236	179	981
Height of couplers.....	4	4	6	11	9	34
Miscellaneous.....	565	371	214	342	92	1,584
	5,051	3,495	2,867	4,760	2,382	18,555

STATEMENT No. 21B.—Statement of cars inspected and defective shown separately for four years ending March 31, 1919, and nine months ending December 31, 1919.

	1916.	1917.	1918.	1919.	Nine mos. ending Dec. 31, 1919.	Total
Cars inspected.....	77,491	58,073	52,224	77,261	45,871	310,920
Cars defective.....	4,541	2,957	2,499	4,232	2,142	16,371
Percentage defective.....	5.86	5.09	4.79	5.48	4.67	5.27

STATEMENT No. 22.—Showing Number of Engines Inspected, by Railways, Together with Defects, for Nine Months Ending December 31, 1919

LOCOMOTIVE DEFECTS	C.P.R.	G.T.R.	Mich. Cen.	Wa- bash	C.N.R.	E.D.& B.C.	Pere Mar.	G.T.P.	Alg. East	Alg. Cent.	Que. Mont.& South	Great Nor.	Kettle Valley
1 Air compressors.....	-	-	-	-	-	-	-	-	-	-	-	-	-
2 Arch tubes.....	38	31	2	-	2	-	-	3	-	-	-	-	2
3 Ash pans or mechanism.....	-	-	-	-	-	-	-	-	-	-	-	-	-
4 Axles.....	2	1	-	1	-	-	-	-	-	-	-	-	-
5 Blow off cocks.....	1	-	-	-	-	-	-	-	-	-	-	-	-
6 Boiler checks.....	2	3	-	-	-	-	-	-	-	-	-	-	-
7 Boiler shell.....	-	-	-	-	-	-	-	-	-	-	-	-	-
8 Brake equipment.....	-	-	-	-	-	-	-	-	-	-	-	-	-
9 Cabs or cab windows.....	-	-	-	-	-	-	-	-	-	-	-	-	-
10 Cab aprons or decks.....	-	-	-	-	-	-	-	-	-	-	-	-	-
11 Cab cards.....	1	-	-	-	-	-	-	-	-	-	-	-	-
12 Coupling or uncoupling devices.....	5	4	-	-	2	-	-	1	-	-	-	-	-
13 Crossheads, guides, pistons or piston rods.....	1	-	-	-	-	-	-	-	-	-	-	-	-
14 Crown bolts.....	23	24	2	2	6	-	1	-	-	-	-	-	-
15 Cylinders, saddles or steam chests.....	-	-	-	-	-	-	-	-	-	-	-	-	-
16 Cylinder cocks or rigging.....	-	-	-	-	-	-	-	-	-	-	-	-	-
17 Domes or dome caps.....	4	8	1	1	2	-	-	-	-	-	-	-	-
18 Draft gear.....	-	2	-	-	-	-	-	-	-	-	-	-	-
19 Draw gear.....	-	-	-	-	-	-	-	-	-	-	-	-	-
20 Driving boxes, shoes, wedges, pedestals and braces.....	-	5	-	-	-	-	-	-	-	-	-	-	-
21 Fire-box sheets.....	1	1	-	1	-	-	-	-	-	-	-	-	-
22 Flues.....	1	4	2	1	-	-	-	-	-	-	-	-	-
23 Frames, tail-pieces or braces, locomotive.....	-	1	-	2	-	-	-	-	-	-	-	-	-
24 Fram s, tender.....	-	-	-	-	-	-	-	-	-	-	-	-	-
25 Gauges or gauge fittings, air.....	-	-	-	-	-	-	-	-	-	-	-	-	-
26 Gauges or gauge fittings, steam.....	-	-	-	-	-	-	-	-	-	-	-	-	-
27 Gauge cocks.....	-	-	-	-	-	-	-	-	-	-	-	-	-
28 Grate shakers.....	-	-	-	-	-	-	-	-	-	-	-	-	-
29 Handholds.....	12	59	1	1	14	-	2	2	1	1	-	-	-
30 Injectors inoperative.....	-	-	-	-	-	-	-	-	-	-	-	-	-
31 Injectors and connections.....	2	1	-	-	-	-	-	-	-	-	-	-	-
32 Inspection or tests not made as required.....	-	-	-	-	-	-	-	-	-	-	-	-	-
33 Lateral motion.....	-	-	-	-	-	-	-	-	-	-	-	-	-
34 Lights, cab or classification.....	-	-	-	-	-	-	-	-	-	-	-	-	-
35 Lights, headlights.....	-	-	-	-	-	-	-	-	-	-	-	-	-
36 Lubricator or shields.....	-	-	-	-	-	-	-	-	-	-	-	-	-
37 Mud rings.....	5	5	-	1	-	-	-	-	-	-	-	-	-
38 Packing nuts.....	-	-	-	-	-	-	-	-	-	-	-	-	-
39 Packing, piston rod and valve stem.....	-	-	1	-	-	-	-	-	-	-	-	-	-
40 Pilot or pilot beams.....	16	-	-	-	1	-	-	1	-	-	-	-	-

STATEMENT No. 22.—Showing Number of Engines Inspected, by Railways, Together with Defects, for Nine Months Ending December 31, 1919.—Continued

LOCOMOTIVE DEFECTS	West Pwr.	Mc. Cen.	Hal & S.W.	Temis- couata	Atl. Q. & W	Que. Orien- tal	M.F. & Michel	Esq. & Nan- aimo	Wpg. J.T.	Kent Nor.	T.H. & B.	Bos. & Mc	O. & N.Y.	Dom. Atlantic	Total Defects
1 Air compressor.....	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
2 Arch tubes.....	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
3 Ash pan or mechanism.....	-	-	-	-	-	-	-	-	-	-	-	-	-	-	78
4 Axles.....	-	-	-	-	-	-	-	-	-	-	-	-	-	-	4
5 Blow-off cocks.....	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1
6 Boiler checks.....	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2
7 Boiler shell.....	-	-	-	-	-	-	-	-	-	-	-	-	-	-	3
8 Brake equipment.....	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
9 Cabs or cab windows.....	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
10 Cab aprons or decks.....	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1
11 Cab cards.....	-	-	-	-	-	-	-	-	-	-	-	-	-	-	12
12 Coupling or uncoupling devices.....	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
13 Crossheads, guides, pistons or piston rods.....	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1
14 Crown bolts.....	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
15 Cylinders, saddles or steam chests.....	-	-	-	-	-	-	-	-	-	-	3	-	-	-	61
16 Cylinder cocks or rigging.....	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
17 Domes or dome caps.....	-	-	-	-	-	-	-	-	-	-	-	-	-	-	16
18 Draft gear.....	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2
19 Draw gear.....	-	-	-	-	-	-	-	-	-	-	-	-	-	-	5
20 Drvg. boxes, shoes, wedges, pedestals and braces.....	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2
21 Fire box sheets.....	-	-	-	-	-	-	-	-	-	-	-	-	-	-	8
22 Flues.....	-	-	-	-	-	-	-	-	-	-	-	-	-	-	3
23 Frames, tail-pieces, or braces, locomotive.....	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
24 Frames, tender.....	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
25 Gauges or gauge fittings, air.....	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
26 Gauges or gauge fittings, steam.....	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
27 Gauge cocks.....	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
28 Grate shakers.....	-	-	-	-	-	-	-	-	-	-	-	-	-	-	93
29 Handholds.....	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
30 Injectors inoperative.....	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
31 Injectors and connections.....	-	-	-	-	-	-	-	-	-	-	-	-	-	-	3
32 Inspection or tests not made as required	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
33 Lateral motion.....	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
34 Lights, cab or classification.....	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
35 Lights, headlights.....	-	-	-	-	-	-	-	-	-	-	-	-	-	1	1
36 Lubricator or shields.....	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
37 Mud rings.....	-	-	-	-	-	-	-	-	-	-	1	-	-	-	12

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APPENDIX D.

OTTAWA, February 16, 1920.

Mr. A. D. CARTWRIGHT,
Secretary, Board of Railway Commissioners for Canada,
Ottawa, Ontario.

SIR,—I have the honour to submit herewith the report of the Fire Inspection Department for nine months ending December 31, 1919, for the fifteenth annual report of the Board.

ORGANIZATION.

The plan of co-operation with the Dominion and provincial forest fire protective organizations reported in previous annual reports has been continued. During the past year eighty-five officials of such organizations acted as officers of the Fire Inspection Department, as follows:—

British Columbia Forest Branch.. . . .	31 men.
Dominion Parks Branch.. . . .	4 "
Dominion Forestry Branch.. . . .	5 "
Ontario Forestry Branch.. . . .	23 "
Quebec Forest Service.. . . .	15 "
New Brunswick Forest Service.. . . .	3 "
Office of Chief Fire and Game Guardian of Alberta.. . . .	2 "
Office of Fire Commissioner of Saskatchewan.. . . .	2 "
Total.. . . .	85 men

RAILWAY FIRE PATROLS.

The standardized system of railway fire patrols which railway companies are required to place in effect during the fire season, as outlined in previous reports, was not materially altered. In certain limited territory, a trial is being made of special fire patrols by men detailed from section crews, instead of by extra men who have no other duties. This plan can give satisfactory results only under unusually favourable conditions, such as the adequate staffing of section forces, special overhead supervision by the railway company, clean rights of way and adequate inspection by the Board's local organization. It is very difficult to check the maintenance of such patrols, and the cost to the railway is probably higher than where special men are engaged for the purpose, providing the work is performed conscientiously. On the other hand, where so performed, good results are secured.

FIRE STATISTICS.

The fire season of 1919 was the most serious which has been experienced by Canada as a whole in many years. Prolonged periods of drought occurred in nearly all parts of the Dominion. The comparatively heavy loss due to railway fires is but an index of what occurred with respect to fires of other origin in all the forest provinces.

In the West, labour troubles resulted in the partial use, during the summer, of certain grades of coal which under normal conditions would have been used only during the winter months. This condition no doubt added somewhat to the number of fires due to locomotive sparks.

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A grand total of 1,327 fires, from all causes, were reported as having originated within 300 feet of railway lines subject to the Board during 1919. These fires were distributed throughout the Dominion as follows:—

405	fires	or	30.6	per	cent	occurred	in	British	Columbia.
297	"	"	22.4	"	"	"	"	Prairie	Provinces.
521	"	"	39.2	"	"	"	"	Ontario.	
84	"	"	6.3	"	"	"	"	Quebec.	
8	"	"	0.6	"	"	"	"	New	Brunswick.
12	"	"	0.9	"	"	"	"	Nova	Scotia.

Of the grand total of 1,327 fires reported, 504 covered less than one-fourth acre each, doing no damage, while 823 were larger fires, which burned over 246,987 acres, destroying property valued at \$536,632. Of the larger fires, 77.8 per cent are definitely attributed to railway agencies, 4.9 per cent to known causes other than railways, and 17.2 per cent to unknown causes. A total area of 246,987 acres was burned over, of which 86.6 per cent is chargeable against the railways, 3.7 per cent to known causes other than railways, and 9.7 per cent to unknown causes. Of the total of \$536,632 damage, the railways are definitely charged with 95.9 per cent, while 0.4 per cent of the damage is due to known causes other than railways, and 3.7 per cent to unknown causes.

The grand total of 246,987 acres burned over by these fires is distributed throughout the Dominion as follows:—

British Columbia.. . . .	25,923	acres.
Prairie Provinces.. . . .	174,525	"
Ontario.. . . .	44,856	"
Quebec.. . . .	1,616	"
New Brunswick.. . . .	31	"
Nova Scotia.. . . .	36	"

SUMMARY of Reports on fires in forest sections originating within 300 feet of track on railway lines subject to the jurisdiction of the Board of Railway Commissioners for Canada, season of 1919.

	Canadian Pacific (Western Lines) (a)	Kettle Valley.	Canadian Pacific (Eastern Lines) (b)	Canadian National (Western Lines) (c)	Canadian National (Eastern Lines) (d).	Grand Trunk Pacific.	Grand Trunk.	Great Northern.	Edmonton, Dunvegan and British Columbia	Algoma Central and Hudson Bay.	Miscellaneous (e).	Totals.
A. RAILWAY FIRES.												
1. Number by Causes—												
(a) Locomotives, Class A fires.	80	6	45	37	115	55	8	15	16		11	388
Locomotives, Class B fires.	73	33	164	54	87	64	16	10	60	9	8	578
(b) Employees, Class A fires.	11		1		4				1			17
Employees, Class B fires.	4	2	5	14	17	4			3	1		50
(c) Total of Class A fires.	91	6	46	37	119	55	8	15	17		11	405
Total of Class B fires.	77	35	169	68	104	68	16	10	63	10	8	628
Total of all railway fires.	168	41	215	105	223	123	24	25	80	10	19	1,033
2. Areas burned (Acres)—												
(a) Young forest growth	2,660	442	12,296	64,636	2,356	14,395	4	80	1,027	14	25	97,935
(b) Timber land	435	306	253	69,058	231	820	1	840	392			72,336
(c) Slashing or old burn	3,058	183	5,316	7,791	7,815	2,683	34	1,117	1,177	43	11	29,228
(d) Other classes of land	870	889	323	10,860	49	436	11	36	930	2	14	14,420
(e) Total	7,023	1,820	18,188	152,345	10,451	18,334	50	2,073	3,526	59	50	213,919
3. Value of property destroyed—												
(a) Young forest growth	\$ 4,972	\$ 2,182	\$34,453	\$72,541	\$ 2,840	\$36,686	\$ —	\$ 165	\$ 2,183	\$ 24	\$ 37	\$156,083
(b) Standing timber	2,494	1,720	1,710	236,651	575	3,065	25	50	1,069			247,559
(c) Forest products	63		195	1,815		50	1,280	27,280	3,680	280		34,643
(d) Other property	1,590	867	918	11,799	f) 32,032	(g) 2,068	122	2,612	5,074	19,365	(h) 25	76,472
(e) Total	\$ 9,119	\$ 4,769	\$37,276	\$322,806	\$35,447	\$41,869	\$ 1,427	\$30,107	\$12,006	\$19,669	\$ 62	\$514,557
B. KNOWN CAUSES OTHER THAN RAILWAY FIRES.												
1. Number by Causes—												
(a) Campers and travellers—												
Class A fires	8		2	2	1	1			1			15
Class B fires	1					2		2	2			7

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SUMMARY of Reports on fires in forest sections originating within 300 feet of track on railway lines subject to the jurisdiction of the Board of Railway Commissioners for Canada, season of 1919.—*Concluded.*

	Canadian Pacific (Western Lines) (a)	Kettle Valley	Canadian Pacific (Eastern Lines) (b)	Canadian National (Western Lines) (c)	Canadian National (Eastern Lines) (c) (d)	Grand Trunk Pacific	Grand Trunk	Great Northern	Edmonton, Dunvegan and British Columbia	Algoma Central and Hudson Bay.	Miscellaneous (e)	Totals
D. GRAND TOTALS FOR ALL CAUSES.												
1. <i>Number</i> —												
(a) Total of all Class A fires.....	146	6	69	43	131	56	9	15	18	.....	11	504
(b) Total of all Class B fires.....	117	44	222	94	138	75	17	17	67	16	16	823
(c) Total of all fires reported.....	263	50	291	137	269	131	26	32	85	16	27	1,327
2. <i>Areas burned (Acres)</i> —												
(a) Young forest growth.....	3,631	442	20,271	71,656	2,844	14,395	4	80	1,033	29	25	114,410
(b) Timber land.....	475	319	288	69,258	232	823	1	840	394	640	.....	73,270
(c) Slashing or old burn.....	3,113	186	8,374	7,998	10,963	3,950	34	6,145	1,177	1,498	462	43,900
(d) Other classes of land.....	915	890	458	11,045	88	440	12	287	935	12	325	15,407
(e) Total.....	8,134	1,837	29,391	159,957	14,127	19,608	51	7,552	3,539	2,179	812	246,987
3. <i>Value of property destroyed</i> —												
(a) Young forest growth.....	\$ 9,722	\$ 2,182	\$38,503	\$76,101	\$ 3,071	\$36,686	\$	\$ 165	\$ 2,192	\$ 54	\$	\$168,713
(b) Standing timber.....	2,594	1,785	2,118	237,251	732	3,065	25	50	1,073	2,000	.....	250,693
(c) Forest products.....	63	.....	195	2,411	40	114	1,280	27,280	3,680	280	.....	35,343
(d) Other property.....	2,890	867	1,292	12,249	32,775	2,073	840	3,380	5,092	20,375	50	81,883
(e) Total.....	\$15,269	\$ 4,834	\$42,108	\$328,012	\$36,618	\$41,938	\$ 2,145	\$30,875	\$12,027	\$22,709	\$ 87	\$536,632(1)

(a) Includes Esquimaux and Nanaimo Railway.

(b) Includes Dominion Atlantic Railway.

(c) Includes Canadian National Railway lines subject to the Board's jurisdiction. Excludes Canadian Government Railways (Transcontinental, Intercolonial and Hudson Bay Railways).

(d) Includes Halifax and South Western Railway.

(e) Includes following lines:—Algoma Eastern; Atlantic, Quebec and Western and Quebec Oriental; Boston and Maine; Cumberland Railway and Coal Company; Maine Central; Temiscouata; Western Power Company of Canada; White Pass and Yukon.

(f) Of this amount, \$9,500 is estimated value of station buildings and property destroyed when the village of Deer Lake, Ontario, was burned; \$8,368 is value of two railway bridges destroyed.

(g) Of this amount, \$22,956 is estimated value of buildings and property destroyed when the village of Deer Lake, Ontario, was burned; \$8,368 is value of two railway bridges destroyed.

(h) This amount represents value of two railway bridges destroyed.

(i) Of this total, \$81,883 represents value of property other than forest growth destroyed.

NOTE.—No fires were reported during 1919 as originating within 300 feet of track along the following lines: Ottawa and New York; Quebec, Montreal and Southern.

Class A fires are those which cover an area of less than one-fourth acre.

Class B fires are those which cover an area of one-fourth acre or more.

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RIGHT OF WAY CLEARING.

The systematic removal of inflammable debris and the cutting and disposal of brush growth on railway rights of way was to a considerable extent limited during the period of the war, due to labour and financial conditions. This line of work is now being given increased attention in many sections of the country and it is anticipated that a creditable showing will be made during the coming year, though labour and financial conditions have not yet ceased to be problems with the railways.

FIRE PROTECTIVE APPLIANCES ON LOCOMOTIVES.

Officers of the Fire Inspection Department have made 1,860 inspections of fire protective appliances on locomotives operating through forested territory, during the past fire season. Twenty-two per cent of the locomotives inspected were found defective as to some feature of fire-protective appliances.

The following table shows the number of locomotives so inspected and the percentage found defective on the more important railway lines:—

Railway.	Number Inspected.	Number Defective.	Per cent Defective.
Canadian Pacific.....	731	202	28
Canadian National.....	623	107	17
Grand Trunk Pacific.....	79	36	46
Grand Trunk.....	178	18	10
Edmonton, Dunvegan and British Columbia.	85	7	8
Great Northern.....	26	12	46
Kettle Valley.....	21	6	29
Algoma Central and Hudson Bay.....	23	3	13
Algoma Eastern.....	18	3	17
Atlantic, Quebec and Western and Quebec			
Oriental.....	10	9	90
Temiscouata.....	16	4	25

While the showing made on the whole, by the various railway companies, with respect to the maintenance of fire protective appliances on locomotives in an efficient condition, is slightly better than in previous years, there is still room for considerable improvement, particularly on the Halifax and South Western Railway, the Grand Trunk Pacific Railway, and the Canadian Pacific Railway eastern lines in Ontario.

During the fire season of 1919, sparks thrown from locomotives are presumed to have caused 966 fires, or 72.8 per cent of all fires reported. These burned over 213,919 acres and did damage estimated at \$514,557.

There is urgent need for a more effective spark-arresting device than the master mechanics' front end. Experiments along this line have been under way by some of the railway companies, in co-operation with the Operating and Fire Inspection Departments of the Board. The situation is serious and the matter should be brought to a definite conclusion as soon as possible.

FIRE GUARD REQUIREMENTS.

The fire guard requirements in effect in 1918 were continued and further progress was made in the direction of reducing the width of fire guards to be ploughed in wild lands and fenced grazing lands. The eight-foot optional basis of ploughing guards in these classifications was extended to cover all lines of the Canadian National Railways under the Board's jurisdiction in Alberta, Saskatchewan and Manitoba, and to the Canadian Pacific lines in the same provinces with the exception of the Kelfield, Cutknife, Maple Creek, Bassano and Irricana subdivisions and certain specified portions of the Outlook, Swift Current, Brooks, Langdon and Laggan

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subdivisions, where the sixteen-foot standard was to be continued. Conditions were specified under which this optional basis might be made effective by the companies. The special arrangements made in 1918 for the conduct of experiments in specified limited territory were continued as to the main line of the Grand Trunk Pacific Railway between Winnipeg and Edson, and between Edmonton and mileage 70 of the Edmonton, Dunvegan and British Columbia Railway.

The fire hazard during 1919 in the prairie sections of Western Canada was no less serious than was the case in the forested territories. The extreme drought in the Prairie Provinces caused an acute shortage of pasturage and hay feed for the feeding of live stock, and the necessity for preventing the destruction of hay and pasturage by fire was most important. This situation was placed before the railways concerned, and they were urged to observe strictly all the requirements of the Board with respect to fire protection, in order that the loss of pasturage by railway fires might be kept at the lowest possible figure.

The showing made by the various railway companies with respect to the construction and maintenance of fire guards during 1919 is probably the best in several years. Early frosts and snowfalls interfered somewhat with the burning off of rights of way, as also with the completion of ploughing operations in some localities, otherwise a greater mileage of fire guards constructed might have been reported.

FIRE GUARD STATISTICS.

The accompanying fire guard statistical report shows 14,256.30 track miles of railway lines in the Prairie Provinces subject to the fire guard requirements, an increase of 18.40 miles over 1918. This is equivalent to 28,512.60 fire guard miles, since fire guards are required to be maintained on both sides of a railway line. The report indicates that 9,947.39 miles of fire guards were constructed or maintained during the past year, and 18,565.21 miles for various reasons were not constructed. Of this, there was exempted by this department 8,490.36 miles; owner of land refused to allow construction, 72.25 miles; land already ploughed, 2,578.46 miles; grain stubble and cultivated hay lands not fire guarded by owner, 5,430.43 miles. Thus, as to a total of 16,571.50 miles of fire guards not constructed, the reasons assigned by the companies were considered acceptable, leaving 1,993.71 miles unaccounted for, but which presumably should have been fire guarded.

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SUMMARY of Fire Guard Construction and Maintenance by Railways in the Provinces of Manitoba, Saskatchewan and Alberta, 1919.

	Edmon- ton, Dunvegan and British Columbia	Great Northern.	Grand Trunk Pacific.	Canadian National.	Canadian Pacific.	Totals.
Length in track miles.....	406.80	162.38	2,002.80	5,271.60	6,412.72	14,256.30
Length in fire guard miles ¹	813.60	324.76	4,005.60	10,543.20	12,825.44	28,512.60
Fire guards constructed (shown in fire guard miles)—						
(a) Grain stubble lands { fireguarded		200.00	162.60	719.90	1,498.83	2,581.33
(b) Cultivated hay lands { by owner.		40.00		209.90	345.76	595.66
(c) Fenced grazing lands.....		49.00	655.40	563.30	1,478.20	2,745.90
(d) Wild lands.....		1.00	494.90	1,251.50	2,277.10	4,024.50
Total miles of fire guards constructed...		290.00	1,312.90	2,744.60	5,599.89	9,947.39
Fire guards not constructed (shown in fire guard miles)—						
Exemptions ²	744.41	30.00	1,202.90	3,987.80	2,525.25	8,490.36
Owner refuses to allow construction ³ ...			1.10	20.40	50.75	72.25
Unnecessary; land already ploughed ⁴ ...			281.00	934.70	1,362.76	2,578.46
(a) Grain stubble { not fireguarded			1,110.60	1,964.30	2,029.13	5,104.03
(b) Cultivated hay { by owner ⁵				156.70	169.70	326.40
Miscellaneous other reasons.....	69.19	4.76	97.10	734.70	1,087.96	1,993.71
Total miles of fire guards not con- structed.....	813.60	34.76	2,692.70	7,798.60	7,225.55	18,565.21

¹ Fire guard mileage is double the track mileage, since the construction of fire guards is required on both sides of the track.

² Company exempted from fire guard construction, as to portions of line where showing made that such construction is unnecessary or impracticable.

³ Employees of railway company refused permission, by owner, to enter upon land for purpose of constructing fire guards.

⁴ Fire guarding unnecessary, because fields already ploughed.

⁵ Fire guarding in grain stubble and in cultivated hay lands required only where the landowner or occupant would undertake to plough guard at the reasonable price specified by the Board.

COMPLAINTS *re* FIRE GUARDS.

No specific complaints were received during 1919.

One application was received from the Canadian Pacific under clause 4, section "C" of the Fire Guard Requirements, requesting permission to enter upon land for the purpose of constructing fire guards, where the land owner refused to allow such construction. The matter was investigated and amicably arranged, no order being required.

Respectfully submitted,

CLYDE LEAVITT,
Chief Fire Inspector.

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APPENDIX "E".

LIST of Cases appealed to the Supreme Court of Canada, from February 1, 1904 to December 31, 1919.

File No.	Subject.	Decision.
1114	Montreal Terminal Railway <i>v.</i> Montreal Street Railway, Fius IX Avenue crossing, Montreal. Question of jurisdiction.....	Allowed.
1492	James Bay Railway <i>v.</i> Grand Trunk Railway crossing. Belt line spur. Question of law.....	Dismissed.
383	Ottawa Electric Railway and City of Ottawa <i>v.</i> Canada Atlantic Railway, <i>re</i> Bank Street subway, Ottawa. Question of law.....	Dismissed.
1621	Toronto Railway Company from order of the Board No. 7813, dated July 3, 1909, <i>re</i> high level bridge over the Don Improvement and tracks of the C.P.R., and G.T.R., Toronto. Question of jurisdiction.....	Dismissed.
588	<i>Re</i> Toronto Union Station. A. R. Williams expropriation. Question of jurisdiction.....	Dismissed.
C. 1680	Essex Terminal and Windsor, Essex and Lake Shore Railroad, crossing in township of Sandwich, Ont. Question of law.....	Dismissed.
C. 1309	Robinson <i>v.</i> Grand Trunk Railway, two-cent rate. Question of law.....	Dismissed.
689	Canadian Pacific Railway <i>v.</i> Grand Trunk Railway <i>re</i> branch line, London, Ont. Question of jurisdiction.....	Dismissed.
1497	T. D. Robinson <i>v.</i> Canadian Northern Railway spur at Winnipeg. Question of jurisdiction.....	Dismissed.
9527	Montreal Street Railway <i>re</i> rates, Montreal Royal Ward. Question of jurisdiction.....	Allowed.
C. 4719	Department of Agriculture, Province of Ontario <i>v.</i> Grand Trunk Railway, station at Vineland. Question of jurisdiction.....	Dismissed.
C. 3322	<i>Re</i> Toronto Viaduct. Appeal by the Canadian Pacific Railway. Question of law.....	Dismissed.
C. 4897	<i>Re</i> fencing and cattleguards, Order No. 7473. Appeal by C. N. Ry. Co. Question of jurisdiction.....	Allowed in Part.
C. 4492	City of Toronto <i>v.</i> Grand Trunk Railway and Canadian Pacific Railway Companies, <i>re</i> commutation rates. Question of law.....	No action.
C. 2545	City of Ottawa and County of Carleton, <i>re</i> Richmond Road viaduct. Question of jurisdiction.....	Dismissed.
13079	Grand Trunk Railway <i>v.</i> Canadian Northern Ontario Railway, spur in township of Scarboro, Ont. Question of jurisdiction.....	Dismissed.
C. 3269	Grand Trunk Railway <i>v.</i> British American Oil Companies, <i>re</i> oil rates. Question of law.....	Dismissed.
1519	Grand Trunk Pacific Railway <i>v.</i> City of Fort William, <i>re</i> location. Question of jurisdiction.....	Dismissed.
11965	Niagara, St. Catharines and Toronto Railway <i>v.</i> Davy. Question of jurisdiction.....	Allowed.
9527	Montreal Street Railway (Montreal, Park and Island Railway) <i>re</i> rates, Mount Royal Ward. Question of jurisdiction.....	Allowed.
15580	Clover Bar Coal Company, Limited, and William Humberstone <i>v.</i> Grand Trunk Pacific Railway Company and the Clover Bar Sand and Gravel Company. Question of jurisdiction.....	Allowed.
12682	Regina Rate Case. Question of law.....	Dismissed.
17963	Grand Trunk Pacific Railway <i>v.</i> A. E. Purcell of Saskatoon, Sask. Question of jurisdiction.....	Dismissed.
C. 3269	Canadian Pacific Railway Company <i>v.</i> British American Oil Companies. Question of jurisdiction.....	Dismissed.
15330	Grand Trunk and Canadian Pacific Railway Companies <i>v.</i> Canadian Oil Companies. Question of jurisdiction.....	Dismissed.
15330-1	British Columbia Electric Railway Company, Vancouver, Victoria and Eastern Railway <i>v.</i> City of Vancouver. Question of jurisdiction.....	Dismissed.
20062	E. B. Chambers and W. B. G. Phair <i>v.</i> Canadian Pacific Railway Company. Question of jurisdiction.....	Allowed.
1487	Canadian Northern Railway Company <i>v.</i> William A. Taylor. Question of jurisdiction.....	Dismissed.
18578	Grand Trunk Railway Company <i>v.</i> City of Edmonton, Alta. Question of law.....	Dismissed.
19435	Montreal Tramway and Montreal, Park and Island Railway <i>v.</i> Lachine, Jacques Cartier and Maisonneuve Railway. Question of jurisdiction.....	Allowed.

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LIST of Cases appealed to the Supreme Court of Canada, from February 1, 1904 to December 31, 1919—*Continued.*

File No.	Subject.	Decision.
23009	City of Hamilton <i>v.</i> Toronto, Hamilton and Buffalo Railway. Question of jurisdiction.....	Allowed.
21428	Grand Trunk Railway <i>v.</i> Hepworth Silica Pressed Brick Company. Question of law.....	Dismissed.
12021-70	Toronto Railway Company and City of Toronto <i>v.</i> Canadian Pacific Railway Company. Questions of law and jurisdiction.....	Dismissed.
9437-153	City of Edmonton <i>v.</i> Edmonton and Calgary Railway. Question of law.	Dismissed.
C. 3935	Ingersoll Telephone Company (and other Independent Telephone Companies) <i>v.</i> Bell Telephone Company. Question of law.....	Dismissed.
16171	Grand Trunk Railway <i>v.</i> H. Bourassa of Laprairie, Que., against Order 26387, dated July 28, 1917. Questions of law and jurisdiction.....	Withdrawn.
27524	Great Northern Telegraph Company, for opinion of the Court on question of law involved in matter of General Order No. 162.....	Abandoned.
13622	Government of Manitoba and J. H. Ashdown Hardware Company of Winnipeg, <i>re</i> 15 per cent increase in freight rates. Question of jurisdiction.....	Abandoned.
27840	Canadian Pacific Railway <i>v.</i> Department of Public Works, Ontario, <i>re</i> highway crossing in township of Kirkpatrick, Ont. Question of law.....	Withdrawn.
26981	Esquimalt and Nanaimo Railway, <i>re</i> rights of the City of Victoria to have access over the bridge at Victoria Harbour. Question of jurisdiction.....	Abandoned.
11118	Municipality of Burnaby, B.C., <i>v.</i> British Columbia Electric Railway, <i>re</i> commutation rates. Question of jurisdiction.....	Abandoned.
28439	City of Toronto <i>v.</i> Toronto Terminal Railway <i>re</i> pressure pipes under Bay, Scott and Yonge streets, Toronto. Question of law.....	Dismissed.
28950	Application of Mr. Wagenast for a stated case in <i>re</i> the Brampton commutation rate case. Question of law.....	Dismissed.
C. 3378	Ottawa Electric Railway against Order of the Board disallowing proposed increase in passenger rates. Question of jurisdiction.....	Pending.
C. 2987		

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LIST of Appeals to the Governor in Council, February 1, 1904, to December 31, 1919.

File No.	Subject.	Decision.
399	Bay of Quinte Railway crossing C.P.R. at Tweed, Ont.....	Dismissed.
1455	James Bay Railway <i>v.</i> Grand Trunk Railway crossing near Beaverton, Ont.....	Dismissed.
1781	Grand Trunk Railway <i>v.</i> City of Chatham, Ont., street crossings.....	Dismissed.
12992	Maniwaki Branch of the C. P. R. train service from Ottawa.....	Referred back.
2030	<i>Re</i> tariffs of certain Yukon Railways.....	Dismissed.
17716	Canadian Pacific Railway Longue Pointe spur through Town of Maisonneuve, Que.....	Dismissed.
18787	South Hazelton Townsite <i>v.</i> Grand Trunk Pacific Railway.....	Allowed.
3452-30	J. Y. Rochester <i>re</i> Cameron Bay <i>v.</i> Grand Trunk Pacific Railway.....	Dismissed.
12912	Park Avenue Subway, Town of St. Louis, Que., <i>v.</i> Canadian Pacific Railway.....	Dismissed.
17040	Lambton to Weston Spur and Canadian Pacific Railway Company.....	Abandoned.
C. 3322	Toronto Viaduct Case.....	Dismissed.
12021-70	City of Toronto, <i>re</i> Toronto North Grade Separation.....	Dismissed.
16177	Canadian Pacific Railway <i>v.</i> Mountain Lumber Manufacturers' Association <i>re</i> lumber rates.....	Withdrawn.
19024	Charles Miller of Toronto <i>v.</i> Grand Trunk Pacific Railway, <i>re</i> station at Prince George, B.C.....	Dismissed.
17716-10	Canadian Pacific Railway <i>v.</i> Town of Maisonneuve, Que., <i>re</i> highway crossings.....	Dismissed.
22681-25	City of Montreal <i>v.</i> Canadian Northern Railway, siding across Stadacona and Marlboro streets, Montreal, Que.....	Abandoned.
21418	City of Prince George, B.C., <i>re</i> location of Grand Trunk Pacific Railway station between Oak and Ash streets, Prince George.....	Dismissed.
21660	Canadian Northern Ontario Railway <i>v.</i> Township of Loughboro, Ont....	Dismissed.
26169	Canadian Pacific and Canadian Northern Railway Companies <i>re</i> inter-switching at Eastern public cattle market, Montreal.....	Abandoned.
17040	Appeal of the Canadian Pacific Railway <i>re</i> Lambton to Weston spur. (2nd appeal).....	Dismissed.
27693	City of Hamilton <i>v.</i> Grand Trunk Railway <i>re</i> passenger service on Northern and N. W. Branch between Hamilton and Burlington Beach and town of Burlington, Ont.....	Abandoned.
27840	Appeal of the Winnipeg Board of Trade against order of the Board authorizing a general increase in freight rates of 15 per cent.....	Dismissed.
28439-3	Town of St. Lambert, Que., against decision of Board, dated July 10, 1918, increasing the rates of the Montreal and Southern Counties Railway.....	Dismissed
28230	Notice of Appeal of City of Hamilton against order of the Board No. 27843 and Order No. 27857 <i>re</i> Kinnear yard, Hamilton, Ont.....	Referred back.
29040-2	National Dairy Council of Canada, on behalf of Canadian Association of Ice-Cream Manufacturers from order of the Board No. 28883, dated October 9, 1919, in the matter of classification of ice-cream.....	Pending

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APPENDIX "F".

LIST of General Orders and Circulars of the Board for the nine months ending December 31, 1919.

GENERAL ORDER No. 262.

In the matter of the General Order of the Board No. 151, dated November 8, 1915, prescribing the regulations governing baggage car traffic for the observance of every railway company within the legislative authority of the Parliament of Canada, as amended by General Orders Nos. 179, 181 and 191, dated respectively January 29, February 3 and May 26, 1917; and the application of the Canadian Pacific Railway Company for an Order further amending Rule 26 (d) of the said regulations:

File No. 23328.

A question having been raised as to whether, in view of the punctuation of the section, the words "otherwise the carrier shall not be liable" apply only to the cause of damage or delay, as set out in the second sentence, and not to non-delivery, as set out in the first sentence of the rule; upon reading what is alleged in support of the application to amend, and to make the intention clear,—

It is ordered: That rule 26, subsection (d) of the Regulations Governing Baggage Car Traffic be, and it is hereby, further amended by striking out the comma after the word "receptacle" and before the word "otherwise" in the last line of the subsection and substituting therefor a period, making the words "otherwise the carrier shall not be liable" a separate sentence.

H. L. DRAYTON,
Chief Commissioner.

OTTAWA, May 8, 1919.

GENERAL ORDER No. 263.

In the matter of the question of standardizing the regulations to be placed in effect on all railways operating in Canada governing the handling of guard rails, vestibule doors, and platforms on passenger cars.

File No. 22338.

Whereas, the attention of the Board has been called to a number of accidents—in some instances fatal—caused by failure to keep the vestibule doors on passenger cars closed:

Upon reading what has been filed by the Canadian Railway Association for National Defence on behalf of railway companies operating in Canada, and upon the report and recommendation of the Chief Operating Officer of the Board, and in pursuance of the powers conferred upon it by sections 30 and 269 of the Railway Act and all other powers possessed by the Board in that behalf,—

It is ordered: That every railway company subject to the legislative authority of the Parliament of Canada, operating a railway by steam power, shall strictly conform

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to the following rules and regulations governing the handling of guard rails, vestibule doors, and platforms on passenger cars which are hereby approved, namely:—

Through and local (except suburban) trains, double track, right hand operation.	When running, all doors and platforms except those on rear right hand side of last car are to be kept closed. When standing, the right hand doors and platforms, only, are to be opened, except when necessary to open left hand doors to receive or discharge passengers.
Through and local (except suburban) trains, double track, left hand operation.	When running, all doors and platforms except those on rear left hand side of last car are to be kept closed. When standing, the left hand doors and platforms only, are to be opened, except when necessary to open right hand doors to receive or discharge passengers.
Through and local (except suburban) trains, single track.	All doors and platforms except those on rear of last car are to be kept close when running.
Suburban trains, double track, right hand operation.	Doors and platforms on right hand side of train may be kept open and when open are to be securely fastened. Those on left hand side must be kept closed, except when necessary to open them to receive or discharge passengers.
Suburban trains, double track, left hand operation.	Doors and platforms on left hand side of train may be kept open and when open are to be securely fastened. Those on right hand side must be kept closed, except when necessary to open them to receive or discharge passengers.
Suburban trains, single track.	All doors and platforms may be kept open and when open are to be securely fastened.

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Movable guard rails.	When there are movable guard rails on non-vestibule or open vestibule cars, guard rails must be kept closed, except that when trains are standing they are to be opened only on the side at which passengers are to be received or discharged.
Vestibule curtains.	When cars are equipped with vestibule curtains these appliances are to be kept closed and are not to be uncoupled until trains stop at terminal or when change is to be made in consist of train.
Observation cars.	When rear car is observation car side gates and platforms must be kept closely when running.
Tail gates, chain or bar.	Tail gate, chain or bar at rear of last car in train must invariably be kept closed.

2. "Suburban trains" as used in this order means, and applies only to, trains within commutation limits when carrying commutation traffic.

H. L. DRAYTON,
Chief Commissioner.

OTTAWA, May 7, 1919.

GENERAL ORDER No. 264.

In the matter of the application of the Bell Telephone Company of Canada, hereinafter called the "applicant company," for an Order permitting an increase in rates of twenty per cent (20 %) on all tolls, rates, and charges for exchange telephone service; for a revised schedule of long distance tolls; for a charge to be known as "service connection charge"; and a charge for moving telephone stations and other equipment; all as set forth in the tariffs of tolls accompanying the application and filed with the Board under case No. 955.

Upon hearing the application at the sittings of the Board held in Ottawa on the 8th and 22nd days of January, 1919, and the 12th day of February, 1919, and in Toronto and Montreal on the 13th and 16th days of January, 1919, respectively, in the presence of counsel for the applicant company, the union of Canadian municipalities,

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and the corporations of the cities and towns following, namely, Montreal, Toronto, Hamilton, Ottawa, Quebec, London, Windsor, Brantford, Outremont, Westmount, Levis, Granby, Brockville, and Verdun; the Boards of Trade of Toronto, Montreal, and Cornwall, the municipalities of North Gower and Marlborough, and the Proprietors' League of Montreal being represented at the hearings, the evidence of experts offered both in support of and in opposition to the application, and what was alleged; and upon reading the written statements, reports, and submissions of experts filed on behalf of the applicant company and the respondent corporations, as well as the reports of chartered accountants, made after examination of the applicant company's books which were available to them by the direction and under the authority of the Board's order; no objection being made to the long distance tolls as filed,—

It is ordered, That (a) the revised increased tolls for long distance service, (b) an increase of ten per cent (10%), instead of twenty per cent (20%), on all tolls, rates, and charges for exchange telephone service and charges incidental thereto, and (c) the charges for moving telephone stations and other equipment, all as set out in the application filed with the Board under said case No. 955, be, and they are hereby, authorized and allowed.

2. That the "Service Connection Charge," so-called, as applied for, be disallowed.

3. That where exchange services are at present installed, the increased tolls hereby authorized and allowed may become effective on July 1, 1919.

4. That the increased tolls hereby authorized and allowed for long distance service, for moving telephone stations and other equipment, and where new exchange services are installed subsequent to the date of this order and prior to July 1, 1919, may become effective on one week's notice.

H. L. DRAYTON,
Chief Commissioner.

OTTAWA, May 19, 1919.

GENERAL ORDER No. 265.

In the matter of the application of the Canadian Freight Association, on behalf of the railway companies subject to the jurisdiction of the Board, under section 321 of the Railway Act, for approval of a proposed Supplement No. 12 to the Canadian Freight Classification No. 16, containing certain increased, reduced, and additional ratings, on file with the Board under file No. 19367.87.

Notice having been given by the railway companies in the *Canada Gazette* as required by section 321 of the Railway Act, and to the mercantile organizations enumerated in the general order of the Board No. 153, dated November 4, 1915, and the proposed changes having been considered at a conference of the representatives of the Grand Trunk, Canadian Pacific, and Canadian National Railways, the Canadian Manufacturers' Association, and the Montreal and Toronto Boards of Trade, held at Montreal on the 9th day of April, 1919, when various objections filed with the Board were considered, the proposed changes were agreed to, modified, or eliminated; and upon the consideration of what has been filed and upon the report and recommendation of the Chief Traffic Officer of the Board,—

It is ordered: That the proposed supplement No. 12, to the Canadian Freight Classification No. 16, as finally revised and submitted for approval by G. C. Ransom, chairman of the Canadian Freight Association, by his letter dated May 28, 1919, be, and it is hereby, approved.

H. L. DRAYTON,
Chief Commissioner.

OTTAWA, June 9, 1919.

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GENERAL ORDER No. 266..

In the matter of the Railway Act and amending Act, 7-8 Edward VII, chapter 61, section 4, and the tariffs of telegraph companies.

File No. 10041.90.

It is ordered: That, subject to such order or orders as the Board may from time to time issue, all telegraph companies within the legislative authority of the Parliament of Canada be, and they are hereby, authorized to charge the telegraph tolls published in their respective tariffs filed with the Board.

H. L. DRAYTON,
Chief Commissioner.

OTTAWA, June 17, 1919.

GENERAL ORDER No. 267.

In the matter of section 246 of the Railway Act, as amended by chapter 37 of the Acts 7-8 George V, section 4, for the carrying of wires and cables along or across the tracks of railway companies under the jurisdiction of the Board; and the application of the Canadian National Railways for an order amending the Standard Conditions and Specifications for Wire Crossings, approved by the General Order of the Board No. 231, dated May 6, 1918, made therein.

Case No. 4704.1.

Upon its being represented to the Board by the Canadian National Railways that the pay of inspectors for inspecting over-crossings and underground lines is fixed by said Standard Conditions and Specifications at three dollars per day, and that the actual cost of such inspections to the railway companies is eleven dollars per day; the Grand Trunk and Canadian Pacific Railway Companies concurring in the above representations,—

It is ordered: That the said Standard Conditions and Specifications for Wire Crossings, as approved by the general order of the Board No. 231, dated May 6, 1918, be, and they are hereby, amended by striking out the words “three dollars” after the word “exceed” and before the word “per” in the sixth line of paragraph 4 of part 1 of said Conditions and Specifications, and substituting therefor the words “eleven dollars”; by adding after the word “applicant” in the sixth line of said paragraph 4 the words “such payment to cover both wages and expenses”; by striking out the figures “\$3” after the word “exceeding” and before the word “per”, in the eighth line of paragraph 4 of part 2 of said Conditions and Specifications, and substituting therefor the figures “\$11”; and by adding, after the word “applicant” in the eighth line on said paragraph 4, the word “such payment to cover both wages and expenses.”

H. L. DRAYTON,
Chief Commissioner.

OTTAWA, June 27, 1919.

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GENERAL ORDER No. 268.

In the matter of the application of the Express Traffic Association on behalf of the express companies within the legislative authority of the Parliament of Canada, for general increase in rates; also the applications of the cities of Montreal, Toronto, Winnipeg, London, Lachine, Walkerville, Ottawa, Vancouver, Regina, Fort William, Prince Albert, and Halifax, the University of Saskatoon, residents of Outremont, and the Exhibition Association, Limited, of Edmonton, for increased free collection and delivery areas; the applications of the village of Bancroft, Ont.; and the town of Bridgewater, Nova Scotia, for the establishment of a free delivery service; and the application of the express companies for restricted collection and delivery limits in the city of Quebec.

File No 29046.

Upon hearing the applications at the sittings of the Board held at Ottawa, Toronto, Montreal, Vancouver, Victoria, Nelson, Vernon, Lethbridge, Calgary, Edmonton, Saskatoon, Regina, Winnipeg, Fort William, Sudbury, and Moncton, on the 7th, 8th, 18th, and 24th days of January and the 19th day of March, 1919, the 13th day of January and the 5th day of February, 1919, the 16th day of January, 1919, the 14th day of February, 1919, the 17th day of February, 1919, the 21st day of February, 1919, the 19th day of February, 1919, the 24th day of February, 1919, the 25th day of February, 1919, the 26th day of February, 1919, the 28th day of February, 1919, the 1st day of March, 1919, the 3rd day of March, 1919, the 5th day of March, 1919, the 7th day of March, 1919, and the 24th day of March, 1919, respectively, in the presence of counsel for and representatives of the Express Traffic Association, the Canadian Express Company, the Dominion Express Company, members of the Boards of Trade of the cities of Ottawa, Toronto, Montreal, Vancouver, Lethbridge, Calgary, Edmonton, Saskatoon, Regina, Winnipeg, Charlottetown, and Summerside, the towns of Yorkton and Kenora, the Canadian Manufacturers' Association, the National Dairy Council, the Ottawa Wholesale Fruit Shippers, the Montreal Chamber of Commerce, the Montreal Produce Merchants' Association, the Canadian Fish Association, the Canadian Fish and Cold Storage Company, the Department of Fisheries, the Canada Food Board, the International Harvester Company, the Marconi Wireless Telegraph Company, the British Columbia Fruit Growers Association, the Wholesale Fish Dealers Association of British Columbia, the Canadian Fish Company, the greenhouse industry, the Commissioner of Fisheries for the Government of the province of British Columbia, the Gordon Head Company of Victoria, the Hatzic Fruit Growers Association, the British Columbia Growers, Limited, the Kootenay District Fruit Growers, the Department of Agriculture for the province of British Columbia, the Northern Okanagan Creamery Association, the Salmon Arm Farmers Exchange, the Kootenay Lake Farmers Institute, the Arrow Lake Farmers' Institute, the Crystal Dairy of Lethbridge, the Milk and Cream Shippers of Calgary, the Swift Canadian Company, the United Farmers of Alberta, the Saskatoon Pure Milk Company, the Saskatoon Brewing Company, the Retail Merchants' Association of Saskatchewan, the Saskatchewan Co-operative Creameries, the Western Canada Dairymen's Association, the Regina Bread Shippers, the Steele Briggs Seed Company, the Vipond Fruit Company, the Crescent Dairy Company, the Milwood Cream Producers, and the Belmont Cream Producers, other shippers appearing in person, the evidence adduced, and what was alleged; and upon reading the written submissions filed, judgment, dated July 17, 1919, was delivered by the Chief Commissioner and concurred in by the members of the Board, copy of said judgment being attached hereto,—

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It is ordered: That, subject to the terms of the said judgment of July 17, 1919, which is hereby made part of this order, the tariffs issued under the authority of and in conformity with the judgment be, and they are hereby, required to be published and filed at least five days previous to the date on which they are to become effective.

And it is further ordered: That the express freight collection and delivery plan outlined in the judgment be given effect to, and charts of the boundaries thereunder be posted for the information of the public, with the least delay consistent with the ascertainment by the companies of the necessary data and the acquirement of any necessary additional equipment.

W. B. NANTEL,
Deputy Chief Commissioner.

OTTAWA, July 25, 1919.

GENERAL ORDER No. 269.

In the matter of the Regulations regarding Plans and Specifications required to be filed with the Board, dated January, 1919, being standard rules for the construction of highway, farm, wire, and pipe crossings, and general requirements for interlocking appliances at rail-level crossings, junctions, and drawbridges.

Case No. 4704.1.

Upon its being represented to the Board by the Grand Trunk Railway Company that the pay of inspectors for inspecting all crossings should be increased to \$11 a day instead of \$3, as provided in the case of wire crossings by the general order of the Board No. 267, amending the "Standard Conditions and Specifications for Wire Crossings," the Canadian National Railways and the Canadian Pacific Railway Company concurring in the above representations,—

It is ordered: That the said Regulations of the Board regarding Plans and Specifications required to be filed with the Board be, and they are hereby, amended by striking out the words "three dollars" after the word "excéed," in the sixth line of paragraph 7, page 14, and before the word "per," and substituting therefor the words "eleven dollars"; and by adding after the word "applicant," in the sixth line of the said paragraph 7, the words "such payment to cover both wages and expenses."

A. S. GOODEVE,
Commissioner.

OTTAWA, August 7, 1919.

GENERAL ORDER No. 270.

In the matter of the Order of the Board No. 10453, dated May 3, 1910, dealing with the location of markers on the passenger trains of the Grand Trunk Railway Company; and General Order No. 127, dated July 6, 1914, directing that cabooses of all railway companies subject to the jurisdiction of the Board be equipped with marker sockets as provided by the order.

Files Nos. 13455 and 13455.2.

Upon its appearing that railway companies have marker sockets at the corners of the roof on some of their passenger cars, in addition to the lower position; upon the report of the Chief Operating Officer of the Board, that, in his opinion, and with

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a view to standardization in equipment and practice, the requirements as to passenger cars and cabooses should be the same,—

It is ordered as follows:—

1. When passenger cars and cabooses are equipped with marker sockets in the lower position (the said lower position to be at such elevation as will permit of lamps and flags being placed therein from the platform or floor of the car without the use of steps), markers shall be carried in such lower sockets.

2. All passenger cars and cabooses hereafter constructed shall be equipped with marker sockets in the lower position.

3. All passenger cars and cabooses now in use, not equipped with marker sockets in the lower position, shall be so equipped on or before May 1, 1920.

4. The said Order No. 10453, dated May 3, 1910, and General Order No. 127, dated July 6, 1914, are hereby rescinded.

W. B. NANTEL,
Deputy Chief Commissioner.

OTTAWA, August 7, 1919.

GENERAL ORDER No. 271.

In the matter of the Canadian Freight Classification and the express Classification for Canada, and sections 322 and 360 of the Railway Act, 1919:

File No. 25639.

It is ordered as follows, namely:—

1. Any reissue of the Canadian Freight Classification, or of the Express Classification for Canada, or any supplement thereto, or any supplement to the issue of either now in force, shall be submitted in printed proof form for the approval of the Board before it is made effective.

2. Should such proposed reissue or supplement remove any goods from a lower to a higher class, or in any other way add to the cost of transportation of any goods, notice of the submission thereof shall be published by the applicant in the next two succeeding issues of the *Canada Gazette*, in the following form:—

Notice is hereby given that the.....did on theday of19...., submit to the Board of Railway Commissioners for Canada, for its approval, the Canadian Freight Classification (or the Express Classification for Canada) No., (or Supplement No..... to the Canadian Freight Classification No., or to the Express Classification for Canada No.)."

3. (a) Unless, for special reasons, exemption be granted by the Board, the following symbols shall be used in the said proof, and in the approved classification or supplement, namely:—

An asterisk to denote an addition.

A large dot to denote an increase in the previous rating, or charge, or cost of transportation.

A solid triangle to denote a reduction in the previous rating, or charge, or cost of transportation.

A dagger to denote any other change.

(b) Supplements shall show against each increase or reduction a reference to the previously approved item.

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4. The application to the Board shall be accompanied by—

(a) Three copies of the said proof.

(b) The reasons for proposed changes involving increased cost of transportation.

(c) A copy of the notice furnished to the King's Printer for publication in the *Canada Gazette*.

5. One copy of the said proof and of the said notice for publication shall be furnished by the applicant to the following bodies, with the request that fully explained objections, if any, to proposed changes involving increased cost of transportation be filed by them with the Board of Railway Commissioners within thirty days from the receipt of the said proof and notice:—

The Canadian Manufacturers' Association.

The Ontario Grocers' Guild.

The Manufacturers' Association of British Columbia, Vancouver, British Columbia.

The Fruit Growers' Association of Ontario.

The Montreal Chamber of Commerce.

The Boards of Trade of—

Belleville, Ontario
 Brandon, Manitoba.
 Brantford, Ontario.
 Brockville, Ontario.
 Calgary, Alberta.
 Chatham, Ontario.
 Collingwood, Ontario.
 Cornwall, Ontario.
 Edmonton, Alberta.
 Fort William, Ontario.
 Fredericton, New Brunswick.
 Galt, Ontario.
 Guelph, Ontario.
 Halifax, Nova Scotia.
 Hamilton, Ontario.
 Kenora, Ontario.
 Kingston, Ontario.
 Kitchener, Ontario.
 Lethbridge, Alberta.
 London, Ontario.
 Medicine Hat, Alberta.
 Montreal, Quebec.
 Nelson, British Columbia.
 Ottawa, Ontario.
 Owen Sound, Ontario.

Peterborough, Ontario.
 Port Arthur, Ontario.
 Preston, Ontario.
 Prince Albert, Saskatchewan.
 Prince Rupert, British Columbia.
 Quebec, Quebec.
 Regina, Saskatchewan.
 St. Catharines, Ontario.
 St. Hyacinthe, Quebec.
 St. John, New Brunswick.
 St. Thomas, Ontario.
 Sarnia, Ontario.
 Saskatoon, Saskatchewan.
 Sherbrooke, Quebec.
 Stratford, Ontario.
 Three Rivers, Quebec.
 Toronto, Ontario.
 Valleyfield, Quebec.
 Vancouver, British Columbia.
 Victoria, British Columbia.
 Waterloo, Ontario.
 Windsor, Ontario.
 Winnipeg, Manitoba.
 Woodstock, Ontario.

Also, in the case of the freight classification, to the railway companies which are not members of the Canadian Freight Association.

6. Previous orders or regulations of the Board conflicting herewith are hereby rescinded.

S. J. McLEAN,
Assistant Chief Commissioner.

OTTAWA, September 10, 1919.

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GENERAL ORDER No. 272.

In the matter of carriers' liability in connection with outbound freight traffic during interswitching operations:

File No. 6713.158.

Whereas, by Order No. 7562 (General Order No. 41) dated the 15th day of July, 1909, the Board prescribed conditions and limitations to be endorsed upon the forms of bill of lading therein approved for use in Canada; and it having developed that shippers and carriers are not always receiving the protection of the said conditions and limitations during the time when freight, in carloads, is being interswitched by the "terminal carrier" to the "line carrier" under the terms of the Board's General Interswitching Order No. 252, dated the 26th day of October, 1918; and it appearing to the Board that such protection should be provided for,—

It is ordered: That those terminal carriers that do not issue the bill of lading for the entire movement of such freight to its destination, and which are subject to the jurisdiction of the Board, shall give the shipper a local bill of lading on the appropriate form provided for in the said General Order No. 41, covering the movement by interswitching service to the point of transfer to the line carrier that issues the bill of lading to the destination; or, if preferred and in lieu thereof, shall give the shipper what is commonly known as an interline or switching ticket or receipt, which shall contain the words, "received subject to the conditions of the company's bill of lading, which are made a part hereof."

S. J. McLEAN,
Assistant Chief Commissioner.

OTTAWA, September 19, 1919.

GENERAL ORDER No. 273.

In the matter of the application of the Grand Trunk and the Canadian Pacific Railway Companies, hereinafter called the "applicants," for an Order extending the time for one year from the 30th September, 1919, within which they may equip their freight cars with safety appliances as required by the General Order of the Board No. 128, dated July 20, 1914:

File No. 11654.

Upon hearing the matter at the sittings of the Board held in Ottawa, October 7, 1919, the applicants, the Canadian National Railways, Brotherhood of Locomotive Engineers, and Brotherhood of Locomotive Firemen and Enginemen being represented at the hearing, and what was alleged,—

It is ordered: That the railway companies subject to the jurisdiction of the Board be, and they are hereby, granted an extension of time until the 30th day of September, 1920, within which to make the changes required under the said General Order No. 128, dated July 20, 1914; the railway companies to continue their present practice of filing with the Board monthly reports of the progress made in complying with the requirements of the said order.

F. B. CARVELL,
Chief Commissioner.

OTTAWA, October 8, 1919.

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GENERAL ORDER No. 274.

In the matter of the application of the Canadian Railway War Board, on behalf of railway companies subject to the jurisdiction of the Board, for free transportation under section 345 of the Railway Act, 1919:

File No. 496.26.

Upon reading the application dated the 16th day of October, 1919, and considering what has been urged in support thereof, it is ordered that the railway companies of Canada subject to the jurisdiction of the Board be permitted, until further order, to carry free of charge the following persons, viz:—

- (a) Department of Immigration of Dominion of Canada.
For such representatives of the department as may be required by the minister or deputy minister.
- (b) Departments of Immigration and Customs of the United States.
For such representatives of the departments as may be required by the Commissioner or Deputy Commissioner of Immigration or Collector or Deputy Collector of Customs in charge of the district.
- (c) Fire Rangers.
Fire Rangers within their respective districts, employed or authorized by Provincial Governments.
- (d) Families of former and deceased employees of railways.
- (e) Former employees of transportation companies and their families.
- (f) Deputy ministers of departments of the Federal Government, and those having the rank of deputy ministers.

F. B. CARVELL,
Chief Commissioner.

OTTAWA, November 20, 1919.

GENERAL ORDER No. 275.

In the matter of indicating changes in tolls in freight, passenger, express, telephone, and telegraph schedules:

File No. 19907.

Upon its appearing to the Board that comparison of freight, passenger, express, telephone and telegraph schedules, with those which they supersede or amend, should be facilitated; and in pursuance of the powers conferred upon the Board by section 324 of the Railway Act, 1919; and upon the report and recommendation of the Chief Traffic Officer of the Board,—

It is ordered: That all freight, passenger, express, telephone, and telegraph tariffs, and supplements thereto, applying between points in Canada, or from a point in Canada to a foreign country, hereafter filed with the Board, shall, except as hereinafter provided, indicate advances thereby made by the symbol "A" and reductions by the symbol "R," with the necessary explanatory note, in the following manner, namely:—

1. In schedules which show the rates opposite the stations: The proper symbol to be shown against each rate, or each rule or regulation, changed.
2. In schedules in which the rates appear in a table separated from the station list:—
 - (a) Unless the station groupings have been varied relatively to their rates, the proper symbol to be shown in the rate table in the manner prescribed in section 1 hereof;

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(b) If the station groupings have been varied relatively to their rates, the proper symbol to be shown against the reference on the station page to the rate table and against each rule or regulation changed.

Provided that if it is found impracticable in a certain case to indicate changes by either of the methods herein prescribed, application may be made to the Board, accompanied by a printer's proof of the proposed schedule, for relief from the provisions of this order in such case.

And it is also ordered that the character of the schedule be shown at the top of the title page, thus:—

“Advance,”
 “Reduction,”
 “Reissue,”
 “New Rate or (Rates),”

and so on, as the case may be.

And it is further ordered that the order of the Board No. 16900, dated the 27th day of June, 1912, be, and the same is hereby, rescinded.

W. B. NANTEL,
Deputy Chief Commissioner.

OTTAWA, December 16, 1919.

GENERAL ORDER No. 276.

In the matter of Order in Council P.C. 1863, as amended, and of all tolls now in effect by tariffs lawfully published and filed:

File No. 28678.

In pursuance of the powers conferred upon the Board by section 325 of the Railway Act, 1919,—

It is ordered: That, subject to the provisions of the Railway Act, 1919, the tolls of the railway companies subject to the jurisdiction of the Board, in effect as of this date, are hereby continued in effect on and from January first, A.D., 1920.

F. B. CARVELL,
Chief Commissioner.

OTTAWA, December 31, 1919.

CIRCULAR No. 176.

OTTAWA, April 9, 1919.

Weighing of cars.

File 8799.13.

The Board has had its Operating Department for some time past investigating the methods and practices of the railways under its jurisdiction in connection with the manner in which cars are placed and weighed on track scales. Tests have been made of the scales at various points on the different railways by weighing cars when standing free, uncoupled at both ends, coupled on one end, and when the deck of the scale permits, coupled at both ends.

The report and recommendations of the Board's Chief Operating Officer as the outcome of these inquiries is as follows:

“The best results are obtained where one person is employed to supervise and check the weighing of cars and that person should be a ‘sworn in.’ This

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person need not be engaged as a weighmaster, exclusively, but a suitable person already working in some position on the staff should be instructed by the company's general officer having jurisdiction, and this person should have the power to instruct the men how to place the cars and supervise and take the record himself from the scale beam.

"Each company, in its own interests, should go over the facilities to see that it gets the best arrangement for protecting the scales from the severe winter conditions, water, etc."

The Board desires to have the comments of the various railway companies upon the foregoing recommendations, together with a concise statement as to the practice now followed by each railway, with a view to considering and adopting some uniform system which will work satisfactorily to both the shippers and the railways.

By order of the Board.

A. D. CARTWRIGHT,
Secretary.

OTTAWA, May 27, 1919.

CIRCULAR No. 177.

Fire Extinguishers on Steam Railways.

Case No. 1858.

Railway companies, operated by steam, subject to the jurisdiction of this Board, are required to furnish the following data, within thirty days of the date of this circular, covering fire extinguisher equipment on their respective lines, viz:—

Type of Car.	Total Number of Cars.	Number Equipped one Ex.	Number Equipped two Ex.	Remarks.
1. Observation..				
2. Compartment..				
3. Sleeping..				
4. Dining..				
5. First-class..				
6. Second class..				
7. Colonist..				
8. Combination..				
9. Through Mail..				
10. Through Baggage..				
11. Through Express..				
12. Cabooses..				
13. Total..				

14. What is the average cost of a fire extinguisher at this date?

15. How many different types in use? Give names.

In replying, it is desired that the information be given in the order and by the number shown herein.

By order of the Board.

A. D. CARTWRIGHT,
Secretary.

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OTTAWA, May 27, 1919.

CIRCULAR No. 178.

Fire Extinguishers on Electric Railways.

Case No. 1858.

Electric railways, subject to the jurisdiction of this Board, are required to file within thirty days of the date of this circular replies to the following questions with respect to the equipment of their different cars with fire extinguishers, viz:—

1. If an order is issued requiring all passenger carrying cars on your railway to be equipped with fire extinguishers.
2. How many cars on your line would be affected?
3. How many cars have you at the present time equipped with fire extinguishers?
4. What is the average cost of an extinguisher at this date?

By order of the Board.

A. D. CARTWRIGHT,
Secretary.

OTTAWA, June 23, 1919.

CIRCULAR No. 179.

Resuscitation from apparent death from electric shock.

Files 10247 and 12016.

Attention is hereby directed to Circular No. 37, dated May 3, 1909, and Circular No. 119, dated July 29, 1913, issued by the Board relative to specific cases where railway employees were apparently killed by electric shock, and referring to the necessity of public education in regard to the possibility of saving lives by means of artificial respiration and the advisability of having the Rules for Resuscitation from Electric Shock universally learned.

These rules have been recently revised by the National Electric Light Association and were issued as a supplement to the *Electrical World* of New York on June 14, 1919.

The Board directs your attention to this recent revision and to the desirability of having these rules circulated broadcast; also requests that it be advised on or before July 15, 1919, as to what action has been taken.

By order of the Board.

A. D. CARTWRIGHT,
Secretary.

OTTAWA, June 30, 1919.

CIRCULAR No. 180.

Watchmen at crossings where there are more than four tracks, when gates are out of order.

File 29157.

The Board has considered the replies received from the various railways in answer to its letter of March 4, on this subject, and is of the opinion that it will be sufficient for the present if the railway companies will undertake to appoint two watchmen when gates are out of order at a crossing where there are more than four tracks, and when

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the traffic or other conditions justify the same for the adequate protection of the public.

The Board requests that the railway companies file an undertaking on the lines as set out herein, together with a statement in detail of the crossings involved.

By order of the Board.

A. D. CARTWRIGHT,
Secretary.

OTTAWA, October 3, 1919.

CIRCULAR No. 181.

Filling in of trestles by railways.

File No. 29672.

I am directed by the Board to ask that railway companies, subject to its jurisdiction, show cause why a general order should not be made requiring railway companies to obtain permission from the Board before filling in trestles which landowners or farmers had made use of as undercrossings.

It frequently happens that after a railway starts filling in a trestle some interested landowner writes to the Board that his rights to an undercrossing are being infringed and requesting an investigation that could easily have been made before the work started, if the railway had notified the Board that it intended to undertake the work.

By order of the Board.

A. D. CARTWRIGHT,
Secretary.

OTTAWA, October 29, 1919.

CIRCULAR No. 182.

Inspection and Testing of railway steam boilers, other than locomotive boilers.

File 29110-1.

The attention of the Board has been drawn by provincial authorities to the existing conditions with regard to the inspection of railway steam boilers other than locomotive boilers, such inspections not having been performed by provincial inspectors in one or two of the provinces for the reason that the railway companies claim that in complying with the orders of this Board they have fulfilled their obligations, the result being that the protection aimed at by the different Acts is defeated and the public is not safe-guarded.

The Board desires that railway companies, subject to its jurisdiction, consider the situation and file with the Board an expression of opinion on the whole question raised and as to whether such inspections should be made by provincial authorities, or otherwise.

By order of the Board.

A. D. CARTWRIGHT,
Secretary.

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OTTAWA, October 30, 1919.

CIRCULAR No. 183.

Condition of hand brakes on electric cars.

File 9610.

The Board's Operating Department have examined into the condition of hand brakes on air equipped electric cars and, in some cases, it has been found that they are not kept in proper working order. With a view to remedying the situation it is suggested that the following addition be made to clause 1 of General Order No. 56, after the word "appliances":—

"Which must be maintained in good condition".

The Board would be glad to have, at an early date, the views of electric railway companies under its jurisdiction upon the proposed amendment.

By order of the Board.

A. D. CARTWRIGHT,
Secretary.

OTTAWA, November 20, 1919.

CIRCULAR No. 184.

Reporting of accidents.

File No. 45.

Reports covering accidents attended by personal injury are, in many cases, being addressed to the secretary. Railway companies, subject to the Board's jurisdiction, are requested to give instructions that these accident reports be addressed to the Chief Operating Officer, Board of Railway Commissioners, Ottawa, Ont., in accordance with the requirements of General Order No. 244, dated July 26, 1918.

By order of the Board.

A. D. CARTWRIGHT,
Secretary.

OTTAWA, November 26, 1919.

CIRCULAR No. 185.

Smoke nuisance from railway stationary plants.

File 23177.

Complaint has been made to the Board of serious nuisance arising in cities by reason of the befouling of the atmosphere by dense or opaque smoke emitted from the stationary plants of railways in such municipalities.

The Board desires to be informed by the railway companies subject to its jurisdiction, within thirty days of the date of this circular, whether they are agreeable to the issuance of a general order extending the application of General Order No. 18 to stationary plants and requiring that such stationary plants be equipped so as to prevent the unnecessary and unreasonable emission of dense or opaque smoke, failing which a hearing of all parties involved will be held and a decision arrived at in the matter.

By order of the Board.

A. D. CARTWRIGHT,
Secretary.

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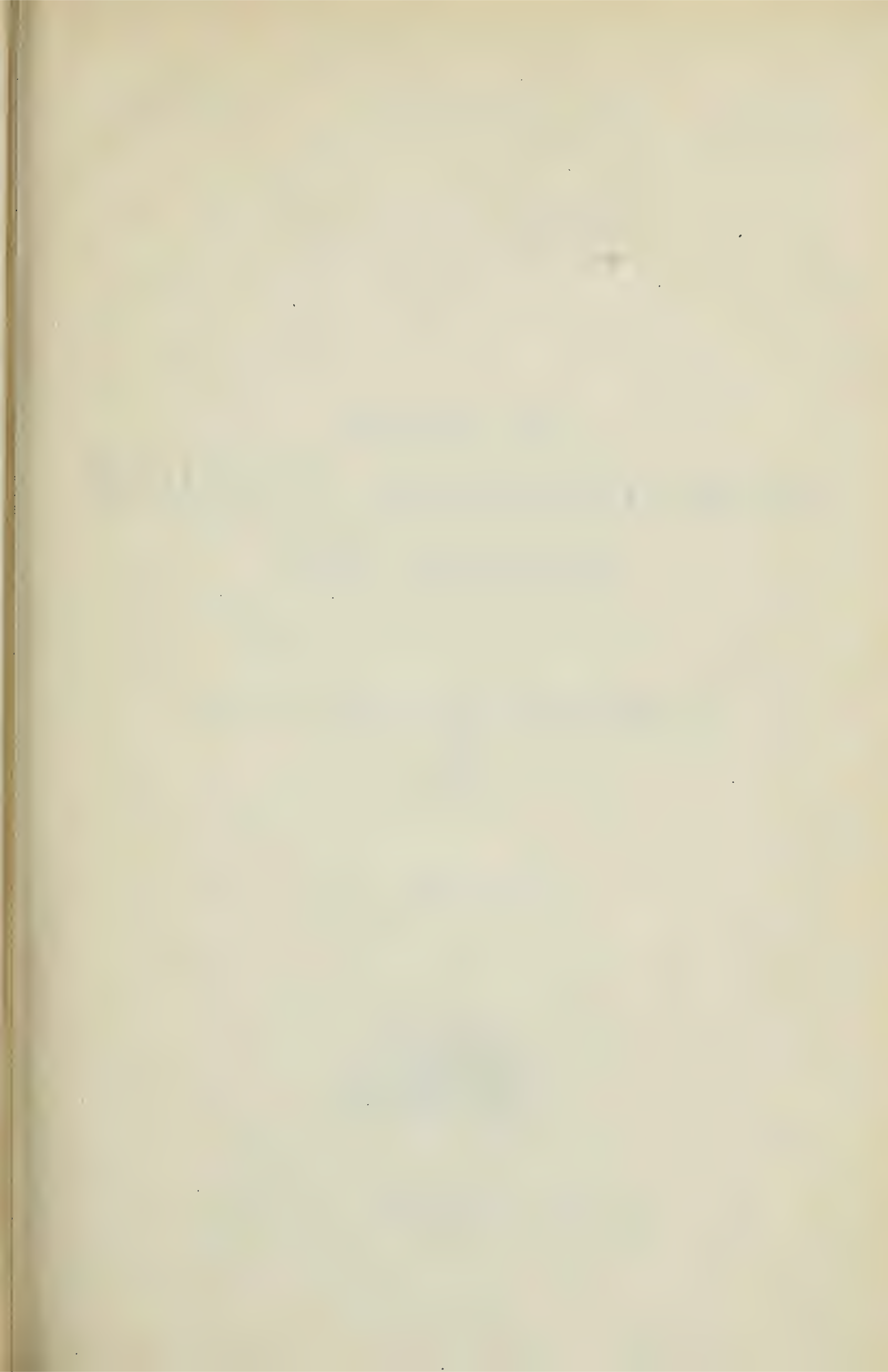
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SIXTEENTH REPORT
OF THE
BOARD OF
RAILWAY COMMISSIONERS
FOR CANADA

FOR THE YEAR ENDING DECEMBER 31
1920

PRINTED BY ORDER OF PARLIAMENT



OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

THE BOARD OF RAILWAY COMMISSIONERS FOR CANADA

Hon. F. B. CARVELL, K.C., *Chief Commissioner.*

S. J. McLEAN, M.A., LL.B., Ph. D., *Assistant Chief Commissioner.*

Hon. W. B. NANTEL, K.C., LL.D., *Deputy Chief Commissioner.*

A. S. GOODEVE, *Commissioner.*

A. C. BOYCE, K.C., *Commissioner.*

J. G. RUTHERFORD, C.M.G., *Commissioner.*

A. D. CARTWRIGHT,
Secretary.

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REPORT

OF THE

BOARD OF RAILWAY COMMISSIONERS FOR CANADA

To the Governor in Council:

Pursuant to the provisions of section 31 of the Railway Act, 1919, the Board of Railway Commissioners for Canada has the honour to submit its Sixteenth Report for the year ending December 31, 1920.

Since the publication of the last report the following amendments have been made to the Railway Act, 1919:—

*“Chapter 65, 10-11 George V. An Act to Amend the Railway Act, 1919.
Assented to 1st July, 1920.*

“His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

“1. Section six of the Railway Act, 1919, chapter sixty-eight of the statutes of 1919, is amended by adding thereto the following subsection:—

“(2) The provisions of paragraph (c) of this section shall be deemed not to include or apply to any street railway, electric suburban railway or tramway constructed under the authority of a provincial legislature, and which has not been declared to be a work for the general advantage of Canada otherwise than by the provisions of the said paragraph. Provided that this subsection shall not affect or come into force with respect to any street railway, electric suburban railway or tramway in the province of British Columbia until the expiration of one year from the passing of this Act.”

Also the following Act:—

*“Chapter 66, 10-11 George V. An Act to Amend the Railway Act, 1919.
Assented to 1st July, 1920.*

“His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

“1. The Railway Act, 1919, chapter sixty-eight of the statutes of 1919, is amended by inserting the following section as section seventy-one A, immediately after section seventy-one thereof:—

“71. A (1) The Board shall have power to do and authorize such acts and things and to make from time to time such orders and regulations as the Board, by reason of real or apprehended scarcity of coal or other fuel supplies in Canada, may deem necessary or advisable for the provision of such supplies and for the distribution, control and disposition thereof.

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"(2) Without restricting the generality of the foregoing terms, it is declared that the powers hereinbefore conferred upon the Board shall extend to the trading in and to the exportation, importation, production and manufacture of coal and other fuel supplies.

"(3) All orders and regulations made under this section by the Board shall have the force of law, and may be varied, extended, or revoked by any subsequent order or regulation; but if any order or regulation is varied, extended, or revoked, neither the previous operation thereof nor anything duly done thereunder, shall be affected thereby, nor shall any right, privilege, obligation or liability acquired, accruing, or incurred thereunder be affected by such variation, extension or revocation.

"(4) This section shall continue in force until the last day of the next succeeding session of Parliament and no longer."

PUBLIC SITTINGS OF THE BOARD

The applications include a great variety of matters falling within the jurisdiction of the Board under the Railway Act, varying from the complaint of a private individual to weightier matters of general public interest affecting the community as a whole.

Provinces	Number
Ontario.. . . .	45
Quebec.. . . .	5
Manitoba.. . . .	4
Saskatchewan.. . . .	4
Alberta.. . . .	6
British Columbia.. . . .	6
Nova Scotia.. . . .	1
New Brunswick.. . . .	2
Total.. . . .	73

The applications include a great variety of matters falling within the jurisdiction of the Board under the Railway Act, varying from the complaint of a private individual to weightier matters of general public interest affecting the community as a whole.

FORMAL AND INFORMAL MATTERS

The number of informal matters dealt with by the Board, as distinguished from matters heard at public sittings, constitutes a considerable percentage of the total applications and complaints dealt with by it, that is to say, of a total of 3,770 applications and complaints received and dealt with by the Board 91 per cent was disposed of without the necessity of such formal hearing. These informal complaints, dealt with and settled without the necessity of a hearing, entail in many instances a considerable amount of inquiry and consideration on the part of the Board's officials, and cover a wide range of subjects, as, for example, a complaint of a more or less trivial nature to a matter of general public interest affecting the community as a whole, or involving the application of some general principle, regarding the railway rates.

RAILWAY GRADE CROSSING FUND

In accordance with the provisions of subsection (5) of section 262 of the Railway Act, 1919, provision was made that the sum of \$200,000 each year, for ten consecutive years from the 1st day of April, 1919, was appropriated and set apart from the consolidated Revenue Fund for the purpose of aiding in the providing by actual

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construction work of protective safety, and conveniences for the public in respect of highway crossings of the railway at rail level, in existence on the said 1st day of April, the said sums to be placed to the credit of a special account to be known as "The Railway Grade Crossing Fund," to be applied by the Board, subject to certain limitations set out in the Act, solely towards the cost (not including that of maintenance and operation) of actual construction work for the purpose specified.

In dealing with such crossings, the Board issued, between the 1st day of April, 1909, and the 31st day of December, 1920, 443 Orders, providing for 497 crossings, as follows:—

By Electric bells	262
Gates.. .. .	113
Subways.. .. .	52
Overhead bridges.. .. .	24
Diversion of highways.. .. .	32
Closing of streets	7
Removal of view obstructions.. .. .	5
Shelter.. .. .	1
Towers.. .. .	3
Wig-wags.. .. .	5
Bell and wig-wag.. .. .	6
Diversion highway and removal view obstruction.. .. .	1
Bell and removal view obstruction.. .. .	1

It will be seen by comparing the total number of crossings protected with the Fifteenth Annual Report of the Board, that the increase for the twelve months ending December 31, 1920, in the number of crossings protected, number 19, made up as follows:—

By Bells.. .. .	4
Gates.. .. .	2
Subways.. .. .	1
Bridges.. .. .	1
Diversion highways.. .. .	4
Removal view obstructions.. .. .	1
Wig-wag.. .. .	3
Bell and wig-wag.. .. .	3
Diversion highway and removal view obstruction.. .. .	1
Bell and removal view obstruction.. .. .	1

NOTE.—19 crossings and 21 protections consequent on account of 2 bells at one crossing and 3 diversions and one subway for 3 crossings.

It will be noted that under the new consolidated Railway Act provision is made that the total amount of money to be apportioned and directed and ordered by the Board to be payable from the annual appropriation, shall not in the case of any one crossing exceed twenty-five per cent of the cost of the actual construction work in providing such protection, and shall not in any such case exceed the sum of \$15,000, and that no such money shall in any one year be applied to more than six crossings on any one railway in any one municipality, or more than once in any one year to any one crossing.

Subsection (3) of section 262 of the consolidated Railway Act provides that in case any province contributes towards the said fund, the Board may apportion, direct and order payment out of the amount so contributed by such province, subject to any conditions and restrictions made and imposed by such province in respect of its contribution.

GENERAL DECISIONS AND RULINGS OF THE BOARD

Submitted herewith, epitomised, are some of the more important matters dealt with by the Board at its public sittings for the year ending December 31, 1920. The principal judgments of the Board will be found under appendix "A" to this report.

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GENERAL ORDERS

The following is a brief summary of some of the matters dealt with under the Board's General Orders:—

Direction with respect to freight traffic, that all railway companies subject to the Board's jurisdiction publish and file tariffs providing for certain allowances per car from the ascertained weights of loaded cars, subject to the condition that the said allowances shall not operate to reduce the net weights of the loadings of the cars below the minimum carload weights provided for in the tariffs applicable thereto.

Direction that the Board's General Order No. 173, dated October 26, 1916, be amended to permit increases in the existing charges for heating refrigerator cars by the carriers in addition to the freight rates pertaining to the loadings thereof, and also in addition to the charges, if any, for the use of the said cars.

Direction that the Board's General Order No. 260, dated the 17th March, 1919, in regard to the regulations for the transportation by freight of dangerous articles other than explosives, be amended by striking out the second paragraph of clause "J" of the rule and substituting therefor the provisions set out in the Board's General Order No. 287.

Direction that the Board's General Order providing for Standard Conditions and Specifications for Wire Crossings, dated the 6th May, 1918, be amended by striking out paragraph 4 of part 1 and providing that the wages of the inspector employed by the railway company shall not exceed \$11 per day, to be paid by the applicant, such payment to cover both wages and expenses, and that when the applicant is a municipality and the work is on a highway under its jurisdiction, the wages of the Inspector shall be paid by the railway company.

Direction that all railway companies subject to the Board's jurisdiction adopt and put into force, not later than the 1st June, 1920, certain rules relative to the inspection of locomotives and tenders, as set out in the Board's General Order No. 289.

Direction in regard to the regulations to be prescribed for the issue and recording of free transportation by railway companies subject to the jurisdiction of the Board, in accordance with the particulars set out in the Board's General Order No. 290.

Direction that all locomotives of railway companies subject to the jurisdiction of the Board be equipped with a seat for the brakeman and that the seat provided be of a comfortable design and where practicable equipped with back and window arm rest; and that such accommodation be provided by the 1st May, 1921.

Direction that the Board's General Order No. 50 in regard to the furnishing of temporary doors for cars loaded with grain, as amended by the Board's General Order No. 184, be amended by compelling the railway companies to furnish car doors to enable cars to be used for traffic in accordance with the allowances set forth in the Board's General Order No. 294.

Direction that the Regulations for the Transportation by Express of Acids, Inflammables, Oxidizing Substances, etc., on file with the Board, be approved subject to certain changes and additions, as set forth in the Board's General Order No. 296.

Direction that the telegraph companies subject to the Board's jurisdiction be permitted to file with the Board for its consideration tentative schedules.

Direction of the Board that the forms of live stock contract and special contract with attendants in charge of stock be approved in accordance with the terms of the Board's General Order No. 298.

Direction of the Board prohibiting on and after the 1st August, 1920, the exportation of coal from Atlantic, St. Lawrence river and gulf ports of Canada, except to the United States or to Newfoundland, unless otherwise permitted in accordance with regulations promulgated by the Board.

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Direction in the matter of the International Railway rates, fares and charges, as affected by an Order of the Interstate Commerce Commission of the United States, dated July 29, 1920, and declaring that the proportions of through rates, fares and charges between the United States and Canada, fares in both directions, in effect at the date of the order, accruing within Canada, may, by general or blanket supplement to existing tariffs, be increased to the extent that the through rates, fares, and charges shall conform to the increases authorized by the said order of the Interstate Commerce Commission; except on coal and coke, increases on which are reserved pending the judgment of the Board in the application of Canadian carriers for increased rates within Canada.

Direction of the Board, in pursuance of the powers conferred upon it by chapter 66 of the Acts of Parliament of Canada, 1920, authorizing certain regulations governing the control of fuel supplies, as set out in the Board's General Order No. 314.

Direction of the Board in the matter of expediting the transportation performance of coal-carrying equipment in Canada, and under the powers conferred upon it by chapter 66 of the Acts of Parliament of Canada, 1920.

Direction of the Board that the proper charge for milling-in-transit within Canada of grain, the product of which is reshipped to the United States, be one cent per one hundred pounds on and after the 26th August, 1920.

Direction of the Board that the railway companies withdraw Special Instruction "E" from their respective working timetables and thereafter observe the Uniform Code of Rules for Canadian Railways approved by the General Order of the Board No. 42, dated the 12th July, 1909.

Direction of the Board that all cattle passes hereafter constructed by railway companies be at least 5 feet wide and 6 feet high, which dimensions are required to be adopted as a standard for cattle pass construction unless otherwise ordered by the Board.

CANADIAN MANUFACTURERS ASSOCIATION AND TORONTO BOARD OF TRADE v. CANADIAN EXPRESS
TRAFFIC ASSOCIATION

Stations-Flag-Express-Traffic-Caretaker.

The Board refused to direct that at every flag station at which express matter is or may be received, there should be an agent or employee to receive and take care of such express matter, but in dealing with the appointment of a caretaker at a flag station in future, one of the functions of the caretaker should be to take care of the express traffic. Flag Station Case 8 C.R.C. 151.

The matter was heard at Ottawa, October 21, 1919.

The facts are fully set out in the judgment of Assistant Chief Commissioner McLean, dated March 22, 1920, concurred in by the Chief Commissioner, Deputy Chief Commissioner, and Commissioners Goodeve and Boyce. 26, Can. Ry. Cases, 35.

UNITED GRAIN GROWERS V. CANADIAN NATIONAL RYS.

1. Jurisdiction-Refund-Traffic-Movement-Tolls-Legal.

The Board has no jurisdiction to direct refunds provided the traffic movement is in compliance with legal tariffs of tolls.

2. Jurisdiction-Negligence-Liability-Claim-Loss and Damage-Carrier-Court of Competent Jurisdiction.

The Board has no jurisdiction to pass upon the question of the liability of a carrier for negligence, either as bearing on the matter of loss or damage, or on a bare

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statement of liability, which may or may not be used as a basis for further action. The remedy in cases of negligence must be sought by action in a Court of competent jurisdiction.

Application for an order directing the respondent to grant compensation for loss occasioned by delivery to Thunder Bay Elevator instead of Paterson's as directed.

The application was heard at Winnipeg, November 15, 1919.

Complaint of the United Grain Growers, Limited, Winnipeg, that the Canadian National Railways have refused compensation for loss occasioned by delivery to the Thunder Bay Elevator instead of to Paterson's Elevator, as directed, car C.N.R. 44458, grain ex Deepdale, December 5, 1918, consigned to the United Grain Growers, Limited, Port Arthur, care Canadian National Railways Terminal Elevator.

The facts are fully set out in the judgment of Assistant Chief Commissioner McLean, dated January 12th, 1920, concurred in by the Chief Commissioner and Commissioner Rutherford. 26, Can. Ry. Cases, 26.

CONSOLIDATED GAS, ELECTRIC AND POWER COMPANY V. CANADIAN PACIFIC RAILWAY COMPANY

1. Jurisdiction—Tolls—International-Joint—Movement—Outbound—Inbound.

The jurisdiction of the Board with regard to tolls begins at the international boundary on an inbound movement and ends there on an outbound movement. In actual practice the Board usually deals with international joint tariffs of tolls for an outbound movement only and does not interfere with the tariff properly filed under United States practice for the inbound movement.

Continental Prairie and Winnipeg Oil Cos. v. Canadian Pacific et al, Ry. Cos., 13 C.R.C. 156, at p. 161; *Essex Terminal Ry. Co. v. Grand Trunk et al, Ry. Cos.*, 22 C.R.C. 301, at p. 305 followed.

2. Carriers—Participating—Toll—Basis—Movement—Mileage.

Where participating carriers in the United States, interested in two-thirds of the mileage movement are concerned in the proper scope and extent of the tariff basis, they should be referred to the United States jurisdiction for the appropriate finding and remedy within that jurisdiction. Complaint against the tolls on bog iron are charged by the respondent via connecting carriers from points in Quebec to Baltimore, Md., U.S.A.

After the preliminary hearing the application was disposed of on material on file with the Board.

The facts are fully set out in the Judgment of Assistant Chief Commissioner McLean, dated January 19, 1920, concurred in by the Deputy Chief Commissioner and Commissioners Goodeve and Rutherford. 26, Can. Ry. Cases, 11.

CITY OF ST. BONIFACE V. CANADIAN PACIFIC RAILWAY COMPANY

1. Railway Crossed by Highway—Cost of Protection—Railway Grade Crossing Fund—No Contribution—Railway Act, 1919, Section 262 (1).

Where a highway is opened across a railway and protection is required, the full cost of protecting the crossing is imposed upon the municipality without any contribution from the Grade Crossing Fund, sec. 262 (1), but where it is not necessary to deal with the question of protection at the outset, the Board may at a later date consider the matter from the standpoint of the respective volumes of traffic on the highway and railway and deal with it accordingly.

Town of St. Pierre v. G.T.R. 13 C.R.C. 1, distinguished.

Application for an order authorizing the opening of Rue Messier across the tracks of the respondent in the city of St. Boniface.

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The application was heard at Winnipeg, December 2, 1919.

The facts are fully set out in the judgment of Assistant Chief Commissioner McLean, dated February 13, 1920, concurred in by the Chief Commissioner, Deputy Chief Commissioner and Commissioners Goodeve and Boyce. 26, Can. Ry. Cases, 45.

IN *re* EXPRESS TOLLS

1. Jurisdiction—Express Companies—Facilities—Stations—Discretion—Unjust Discrimination—Carriage—Railway Act, section 352—Railway Act, 1919, section 364.

The amendment in section 364, former section 352, "and may order that all such goods as the Board may think proper shall be carried by express," has the effect of removing the discretion the express companies formerly had, and prohibits unjust discrimination between goods as to carriage. The Board has no jurisdiction to direct express companies to install or reinstate at a station or stations, express facilities.

2. Jurisdiction—Express Companies—Tolls—Contract Limiting Liability—Railway Act 1919, section 365.

The Board's jurisdiction over express companies is confined to tolls, contracts limiting liability and directing what goods shall be carried by express.

Canadian and Dominion Express Cos. v. Commercial Acetylene Co., 9 C.R.C. 170; at p. 174, followed.

Informal Ruling of the Board, March 24, 1920. 26, Can. Ry. Cases, 32.

GRAND TRUNK RAILWAY COMPANY V. KITCHENER AND WATERLOO STREET RAILWAY COMPANY

Protection—Apportionment of Costs—Public Interest.

Where the Board clearly intended by Order No. 5885 that the respondent should bear the costs of protecting the crossing (other than that borne by the applicant under the order of the Railway Committee of the Privy Council dated October 10, 1895) and it has become necessary in the public interest (owing to conditions over which the respondent has no control) that the crossing should be protected during both day and night, a fair apportionment of the costs would be that 50 per cent should be borne by each of the parties interested.

Grand Trunk Ry. Co. v. Kitchener and Waterloo Street Ry. Co., 24 C.R.C. 13.

Application for an order rescinding No. 5885 and directing the respondent to pay 50 per cent of the wages of the watchman employed at the diamond crossing at King street, Kitchener, Ont.

The application was heard at Kitchener, January 12, 1920.

The facts are fully set out in the judgment of Mr. Commissioner Goodeve, dated January 29, 1920, concurred in by the Chief Commissioner, the Assistant Chief Commissioner and Mr. Commissioner Boyce. 26, Can. Ry. Cases, 40.

O'REILLY & BELANGER V. GRAND TRUNK RAILWAY COMPANY

Carriers—Facilities—Terminal Station—Traffic—Freight—Unloading and Delivery—Completion—Unjust Discrimination—Railway Act, 1919, section 316

Under section 316 of the Railway Act, 1919, the duty of a carrier to furnish facilities at the terminal station relates merely to the unloading and delivery of freight traffic, and does not include facilities for sale, thus the prohibition against unjust

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discrimination in furnishing facilities does not apply to the refusal of a carrier to allot space to enable a coal dealer to carry on business on advantageous terms with his competitors.

Cuneo v. G.T.R. Co., 18 C.R.C. 414, followed.

Application for an order directing the respondent to provide reasonable and proper facilities for the unloading, handling, storing and delivery of coal at the coal trestle, and to terminate a certain agreement or lease in respect of the said trestle made between the respondent and the Coal Trestle Company.

The application was heard at Ottawa, December 2, 1919.

The facts are fully set out in the judgment of Mr. Commissioner Goodeve, dated December 10, 1919, concurred in by the Deputy Chief Commissioner and Mr. Commissioner Boyce. 26, Can. Ry. Cases, 20.

UNITED GRAIN GROWERS AND MUNICIPALITY OF FALHER V. MUNICIPALITY OF DONNELLY *et al.*

1. Stations—Location—Distance Apart—Good Railway Practice—Western Canada.

The principle of establishing stations six to eight miles apart has been recognized for many years as good railway practice in Western Canada:

2. Carriers—Discretion—Siding—Between Stations.

The Board refused an application for the establishment of a siding about equal distance between two stations 7.6 miles apart, declining to interfere with the discretion of the railway company in the development of its interests.

Application for an order authorizing the use of the present temporary industrial siding at Falher, on the Edmonton, Dunvegan and British Columbia Railway.

The application was heard at Edmonton, November 28, and Regina, December 1, 1919.

The facts are fully set out in the judgment of the Chief Commissioner, dated March 22, 1920, concurred in by Assistant Chief Commissioner McLean and Commissioners Boyce and Rutherford. 26, Can. Ry. Cases, 53.

APPEALS FROM DECISIONS OF THE BOARD

For the year ending December 31, 1920, there was one appeal made to the Governor-in-Council, and one appeal to the Supreme Court of Canada from the decisions of the Board.

With reference to the appeal to the Governor-in-Council, this was an appeal of the city of Windsor for rescission of the Board's Order No. 30028 authorizing the Canadian Pacific Railway Company to construct tracks to proposed freight-shed, at grade, across the unopened portion of Caron avenue, Windsor. The appeal was dismissed.

The appeal to the supreme Court was on a question of jurisdiction in the matter of the British Columbia Electric Railway Company's application for increased fares, and this appeal is still pending.

ORDERS, GENERAL ORDERS AND CIRCULARS.

The total number of orders issued for the year ending December 31, 1920, was 1292. The number of general circulars issued by the Board, directed to all railway companies subject to its jurisdiction was 5. The general orders as distinguished from other orders issued by the Board are those affecting all railway companies subject to

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its jurisdiction. It will be noted that the number of general orders issued by the Board for the year ending December 31, 1920, was 52.

A list of the general orders and circulars for the year ending December 31, 1920, will be found compiled under appendix "F" to this report.

JUDGMENTS OF THE BOARD

A summary of the principal judgments of the Board delivered between the 1st January, 1920, and the 31st December, 1920, will be found under appendix "A".

APPLICATIONS TO THE BOARD

The total number of applications, including informal complaints made to the Board for the year ending December 31, 1920, was 3,770.

TRAFFIC DEPARTMENT OF THE BOARD.

In the Traffic Department of the Board the number of tariffs received and filed for the year ending December 31, 1920, was as follows:—

Freight tariffs including supplements.. . . .	41,956
Passenger tariffs including supplements.. . . .	17,610
Express tariffs including supplements.. . . .	2,147
Telephone tariffs including supplements.. . . .	5,677
Sleeping and parlour car tariffs including supplements.. . . .	224
Telegraph tariffs and supplements.. . . .	39
Total.. . . .	67,653

The total number of tariffs filed from February 1, 1904, to December 31, 1920, was 944,747.

The details in regard to the tariffs will be found under appendix "B" to this report.

ENGINEERING DEPARTMENT OF THE BOARD

In the Engineering Department of the Board a large number of inspections were made covering the whole Dominion. These inspections for the year ending December 31, 1920, number 197, and cover inspections for the opening of a railway for the carriage of traffic, pursuant to the requirements of section 276 of the Railway Act, inspections of culverts, highway crossings, cattle-guards, road crossings, bridges, subways and general inspections falling within the scope of the work of the Engineering Department of the Board.

OPERATING DEPARTMENT OF THE BOARD

Under the work of this department is included the inspection of locomotive boilers and their appurtenances, the inspection of safety appliances on cars and locomotives, the investigation into accidents causing personal injury or loss of life, the reporting on the location of stations, matters of protection at highway crossings, and train and station service performed by the railway companies.

Under appendix "C" will be found a full and detailed report of the Chief Operating Officer of the department.

ACCIDENTS AND ACCIDENT INVESTIGATIONS

Owing to the fact that the report of the Board's Chief Operating Officer in connection with the fifteenth report of the Board was for a period of nine months ending the 31st December, 1919, this being necessitated by an amendment to the Railway

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Act altering the date of the report of the Board from the 31st March, to the 31st December in each year, it is not deemed practicable to make any comparison with the previous year.

Full particulars of passengers and employees killed and injured, and other general information in regard to trespassers killed and injured, accidents at protected and unprotected crossings, etc., will be found under appendix "C."

FIRE INSPECTION DEPARTMENT OF THE BOARD

As reported in previous annual reports, the work of the Fire Inspection Department has been carried on in co-operation with the various Dominion and provincial fire-protective organizations.

During the fire season of 1920, a grand total of 1,732 fires from all causes were reported as having originated within 300 feet of the railway track in forested territory, along lines subject to the jurisdiction of the Board. Of this total, 30 per cent occurred in British Columbia, 28 per cent in the Prairie Provinces, 29 per cent in Ontario, 8 per cent in Quebec, 2 per cent in New Brunswick and 3 per cent in Nova Scotia.

Of the grand total, 745 fires covered less than one-fourth acre each, and did no damage, while 987 larger fires are reported to have burned over 106.853 acres and destroyed forest growth and forest products valued at \$222,931, and other property valued at \$75,913, a total of \$298,844. Of these fires, 85.6 per cent are definitely attributed to railway agencies, 3.5 per cent to known causes other than railways, and 10.9 per cent to unknown causes.

Of the total area burned over, 92.3 per cent is chargeable to railway causes, 1.2 per cent to known causes other than railways, and 6.5 per cent to unknown causes.

Of the total damage, 93.9 per cent is chargeable to railway causes, 2.3 per cent to known causes other than railways, and 3.8 per cent to unknown causes.

Of the 1,483 fires which the railways are definitely charged with having caused, 1,414 fires are attributed to sparks from locomotives and 69 fires to employees.

The fire protective appliances on 2,269 locomotives operating in forested territory were inspected by officers of the Fire Inspection Department during the fire season of 1920. The fire protective appliances on 406 locomotives were found defective, being 18 per cent of the total inspected.

The Fire-Guard Requirements, applicable to the Prairie Provinces, were revised and reissued under date of April 20, 1920. Under this revision, the option was granted the railways of handling the construction of fire-guards in wild lands and fenced grazing lands on the basis of an eight foot ploughed strip instead of a sixteen-foot ploughed strip, except as to certain specified territory. The statistical fire-guard report for 1920 shows that 9,101.9 miles of fire-guards were constructed or maintained in the Prairie Provinces.

Under appendix "D", will be found a full report of the Chief Fire Inspector, together with summaries of fire reports, inspection of locomotives and fire guard construction.

ROUTINE WORK OF THE BOARD

RECORD DEPARTMENT

Since the publication of the last annual report there has been no change in connection with the clerical staff of this department.

Below is given a table setting forth the number of applications filed, and letters received, during the year ending December 31, 1920, together with the number of orders issued:—

Number of applications made.. . . .	3,770
" " filings received during the year.. . . .	32,270
" " out-going letters during the year.. . . .	26,980
" " Orders issued during the year.. . . .	1,292

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THE BOARD OF RAILWAY COMMISSIONERS FOR CANADA

RECORD ROOM

STATEMENT showing the applications made to the Board under the various Sections of the Railway Act, for the year ending December 31, 1920

Sections of Railway Act	Jan.	Feb.	Mar.	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total
Rescinding of orders, sec. 34....	9	3	3	1	5	3	6	1	4	5	5	6	51
Rules and regulations.....	2	1	2	3	4	8	3	7	6	7	8	10	1
Extension of time, sec. 41.....	4	3	3	3	1	1	1	1	1	2	2	3	64
Location of line, sec. 167-177....	1	1	1	1	1	1	6	1	1	2	2	3	20
Route map, sec. 167.....	1	3	3	4	3	17	1	1	1	1	1	9	11
Railway as constructed, sec. 175	4	6	3	4	3	17	6	8	6	9	1	2	15
Deviation of line, sec. 178.....	1	1	1	1	1	1	1	1	1	1	1	1	69
Mines and minerals, sec. 194-198	1	1	1	1	1	1	1	1	1	1	1	1	1
Expropriation of lands, sec. 189-192.....	1	1	1	1	1	1	1	1	1	1	1	1	1
Appeals.....	21	20	28	19	27	21	30	29	18	22	34	16	285
Branch lines, sec. 180-187.....	3	5	4	2	2	6	3	1	1	3	2	2	25
Railway crossings and junctions, sec. 252-254.....	25	17	19	7	18	16	15	2	20	15	8	9	14
Interlocking appliances, sec. 252	9	5	3	2	2	11	12	3	8	2	4	3	188
Highway crossings, sec. 255-257	11	5	10	10	6	5	11	7	7	12	13	2	62
Highway diversion, sec. 256.....	1	1	1	1	1	1	1	1	1	1	1	1	99
Protection at crossing, sec. 257-267.....	1	1	1	1	1	1	1	1	1	1	1	1	4
Telg. and telephone connections, sec. 371.....	4	6	7	12	8	19	14	7	5	8	7	1	1
Telephone wire crossings, sec. 372	1	1	1	1	1	1	1	1	1	1	1	1	7
Power wire crossing, sec. 372.....	1	1	1	1	1	1	1	1	1	1	1	1	98
Telephone agreements, sec. 375.....	1	1	1	1	1	1	1	1	1	1	1	1	5
Water pipes, sec. 269.....	1	1	1	1	1	1	1	1	1	1	1	1	1
Gas pipes, sec. 162.....	1	1	1	1	1	1	1	1	1	1	1	1	1
Sewers, sec. 269.....	1	1	1	1	1	1	1	1	1	1	1	1	1
Culverts, sec. 269.....	1	1	1	1	1	1	1	1	1	1	1	1	1
Farm crossings, sec. 272-273.....	1	1	1	1	1	1	1	1	1	1	1	1	1
Cattle guards, sec. 274.....	1	1	1	1	1	1	1	1	1	1	1	1	1
Fencing of right of way, sec. 274	1	1	1	1	1	1	1	1	1	1	1	1	1
Construction on nav. waters, sec. 245-249.....	15	4	17	15	15	14	28	14	8	8	6	13	1
Bridges, sec. 249-251.....	8	2	8	4	6	5	1	4	3	10	7	17	157
Tunnels, sec. 249-251.....	1	1	1	1	1	1	1	1	1	1	1	1	8
Stations, sec. 188.....	16	15	14	11	13	7	97	9	4	9	7	12	75
Condition of stations, sec. 188.....	1	1	1	1	1	1	1	1	1	1	1	1	8
Station accommodation and agents.....	1	1	1	1	1	1	1	1	1	1	1	1	1
Condition of roundhouses.....	1	1	1	1	1	1	1	1	1	1	1	1	1
Opening of railway, sec. 276-277.....	3	2	5	5	5	1	5	5	4	4	4	2	18
Condition of railway, sec. 263...	11	2	4	11	5	6	2	1	1	6	4	2	46
Rolling stock, sec. 298-301.....	4	3	6	4	2	1	4	2	1	1	2	7	37
Train service.....	1	1	1	1	1	1	1	1	1	1	1	1	59
Working of trains, sec. 287.....	1	1	1	1	1	1	1	1	1	1	1	1	31
Obstruction to traffic, sec. 311.....	6	7	5	6	4	6	10	7	2	3	10	4	2
Accommodation for Traffic, sec. 312.....	37	24	27	27	33	30	31	28	45	39	35	30	70
Accident reports, sec. 285-286...	1	2	1	1	1	3	2	2	1	1	1	1	386
Fires from locomotives.....	1	1	1	1	1	1	1	1	1	1	1	1	3
By-laws re tolls, sec. 323.....	2	2	1	1	1	1	1	1	1	1	1	1	13
Interswitching, sec. 316-337.....	2	2	1	1	1	1	1	1	1	1	1	1	11
Freight classification, sec. 322...	1	1	1	1	1	1	1	1	1	1	1	1	11
Forms of tariffs, sec. 323-327.....	1	1	1	1	1	1	1	1	1	1	1	1	3
Disallowance of tariffs, sec. 325.....	1	1	1	1	1	1	1	1	1	1	1	1	17
Standard freight tariffs, sec. 330	1	1	1	1	1	1	1	1	1	1	1	1	15
Standard Passenger Tariffs, sec. 334.....	2	3	1	7	5	1	1	1	1	1	2	1	12
Local passenger tariffs.....	3	1	1	1	1	1	1	1	1	1	1	1	13
Adjustment in rates.....	2	4	4	9	1	3	6	4	2	2	1	7	23
Special freight tariffs, sec. 331...	1	1	1	1	1	1	1	1	1	1	1	1	28
Special Passenger tariffs, sec. 335	1	1	1	1	1	1	1	1	1	1	1	1	41
Joint tariffs, sec. 336-341.....	1	1	1	1	1	1	1	1	1	1	1	1	3
Provisions for carriage, sec. 344-348.....	1	1	1	1	1	1	1	1	1	1	1	1	8
Discrimination, express rates, sec. 360.....	1	1	1	1	1	1	1	1	1	1	1	1	2
Express tolls, sec. 360-366.....	2	3	4	2	2	1	3	1	3	3	3	1	7
Carriage by express, sec. 364.....	1	1	1	1	1	1	1	1	1	1	1	1	19
Disc. in telephone tolls, sec. 375	1	1	1	1	1	1	1	1	1	1	1	1	2
Telephone tolls, sec. 375.....	1	1	1	1	1	1	1	1	1	1	1	1	5
Amalgamation agreements, sec. 151-153.....	1	1	1	1	1	1	1	1	1	1	1	1	2
Traffic agreement, sec. 154.....	15	7	10	11	9	11	11	11	4	10	9	17	2
Enquiries.....	77	84	78	80	64	73	65	67	55	60	75	86	125
Complaints.....	22	11	19	18	19	28	28	40	84	18	17	21	864
Miscellaneous.....	313	273	309	294	287	322	432	307	336	284	302	311	325
Totals.....	313	273	309	294	287	322	432	307	336	284	302	311	3,770

OTTAWA, January 31, 1921.

F. R. DEMERS,
Senior Filing Clerk.

APPENDIX "A"

PRINCIPAL JUDGMENTS OF THE BOARD FOR THE YEAR ENDING
DECEMBER 31, 1920

MILK RATES—SUSPENSION OF CERTAIN TARIFFS

Judgment of Commissioner Boyce, dated December 18, 1919, concurred in by Chief Commissioner Carvell, Assistant Chief Commissioner McLean and Commissioner Rutherford, Deputy Chief Commissioner Nantel and Commissioner Goodeve dissenting.

Application is made by the National Dairy Council for suspension of the following tariffs, for shipment of milk in passenger, or mixed passenger and freight train service (baggage cars), viz:—

1. Canadian Pacific Ry. Co.'s Tariff, C.R.C. No. E. 25.
2. Grand Trunk Ry. Co.'s Tariff, C.R.C. No. E. 2750.
3. Canadian National Ry. Co.'s Tariff, C.R.C. No. E. 29.
4. New York Central R.R. Co.'s Tariff, C.R.C. No. 249.
5. Quebec, Montreal & Southern Ry. Co.'s Tariff, C.R.C. No. 271.
6. Napierville Junction Ry. Co.'s Tariff, C.R.C. No. 113.
7. Montreal & Southern Counties Ry. Co.'s Tariff, Supplement No. 2 to C.R.C. No. 22.

The first four tariffs were proposed to be made effective June 1, 1919; the fifth and sixth on June 15, and the seventh on the 25th of June, 1919.

The complainant points out that the present rates for the milk service for which the proposed tariffs provide substantial increase in charges, are found in C.P.R. Tariff C.R.C., No. E 2847, at page 20.

The substance of the objection to the proposed rates is that they are excessive; that the present rates afford adequate remuneration to the railways for the services performed in and about the carriage of this universal food commodity; that the present rates are all the traffic will, or should, bear; and that any increase is without justification, and would have the effect of increasing the cost to the consumer, of an essential food commodity. The Board of Trade of the city of Toronto joined in the objection, and, at the hearing, the Farmers' Dairy Company, Toronto, and the Ottawa Dairy Company, the Montreal Dairy Company, and the Border Chamber of Commerce, Windsor, were also represented.

Upon the representations of the applicant, and after interim submissions by the railways, and, pending a hearing and disposition thereupon, the Board, by order, suspended the operation of the tariffs, and, since the hearing, the railway companies concerned were required by the Board to submit statements of the tariff showing:—

1. The nature and extent of the milk movement to representative points—Montreal, Quebec, Ottawa, Toronto, Hamilton, London, Windsor, and any other representative points, upon the railway concerned in maintaining proposed tariff, to which the traffic moves.
2. The earnings on these movements at the proposed new rates, and the earnings on the old rates.
3. The extent, nature, and particulars of any factors, alleged to have contributed to the increased cost of the traffic, and necessitating, and alleged to justify the increase in rates—

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the delivery of which has occasioned some delay in getting the case ready for disposition.

The baggage car service for carriage of milk was inaugurated in 1886. The basis of these rates, then, were as follows:—

For 40 miles, or less.. . . .	..15 cents per 8-gallon can
Over 40 miles and up to 80 miles .. . . .	..20 cents per 8-gallon can
Over 80 miles and up to 120 miles .. . . .	..25 cents per 8-gallon can

A revision of these rates went into effect May 1, 1891, as follows (Tariff 165):—

For distances 40 miles and under, 15 cents per 8-gallon can.
For distances 41 miles to 150 miles, 20 cents per 8-gallon can.

The effect of the revision being to effect a reduction of rates of carriage over 80 miles by 5 cents per 8-gallon can, with an extension of the maximum distance from 120 to 150 miles at 5 cents less per can than the rates of 1886 provided for.

In 1893 these rates were again varied in connection with a proposed change in the rates as to 4-gallon cans, as follows:—

For 40 miles, or less, 8 cents per 4-gallon can.
For 41 miles to 150 miles, 11 cents per 4-gallon can.

In June, 1911, the Board heard the application, made by the Montreal Milk Shippers' Association, asking (a) that the railway companies give a rate of 8 cents for a 4-gallon can and 15 cents for an 8-gallon can, respectively, up to 75 miles, and 11 cents for a 4-gallon can and 20 cents per 8-gallon can for all distances over 75 miles, that is, increasing the distances over which the rates prescribed in the tariff of 1893 on 4-gallon cans were effective, and, consequently, effecting a reduction in rate on the 4-gallon can; and (b) that certain conditions of carriage of the milk traffic be prescribed. By its Order, No. 15413, dated September 26, 1911, disposing of this application, the Board directed, *inter alia*, that on and after the first day of September, 1912, the railway companies should not be required to accept for transportation any cans of milk of less capacity than 8 gallons, whether containing milk or empty. This order effected a cancellation of the rates filed in 1893 on 4-gallon cans, by abolishing the traffic in that quantity, leaving the rates on 8-gallon cans as prescribed by Tariff 165, May 1, 1891, cited above. The order further prescribed conditions of carriage of the traffic, which had not theretofore been settled, and which had been the subject of frequent complaint and disputes between the shippers and carriers. As related to the history and growth of the traffic, the evidence at the hearing has some bearing on the present application and will be referred to hereafter. The conditions of carriage are substantially those prescribed by the tariff now attacked. By reference to these conditions, it will be seen, *inter alia*, that the shipper must properly mark and secure his can, and attach to it a milk ticket and shipping tag, and shall load the cans at the shipping point, and the shipper is required to have his milk at the point of shipment, properly way-billed, at least fifteen minutes before the arrival of the train on which it is to be shipped, and consignees are required to take delivery from the door of the baggage car. At flag stations billing is to be done by shippers; empty cans are to be returned by the railway company, to shipping points, free of charge—but, if such number more than 20, shippers must provide one man at shipping point to assist in their unloading. If over 40 cans the shipper is to provide two men; the railway company is to continue the issuance of milk tickets, and shall not be liable for loss of, or damage to, or delay in, any shipment of milk, or can, unless resulting from negligence of the company, its servants or agents.

It will be observed that the conditions of carriage reduce the service to be performed by the railway company to practically that of mere carriage of the commodity. The railway is relieved of the expense incident to loading and unloading,

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and, to a large extent, that of billing. Its liability as a common carrier is also minimized and restricted. It is, as regards this traffic, no insurer, and the implied undertaking to carry the commodity safely is restricted to acts resulting from negligence of itself, its servants or agents. The burden, service and responsibility of the carrier are in this special arrangement shared between shipper and carrier, and it is urged, not without some considerable force, that the shippers' contribution to the service of carriage, beyond those duties resting upon a shipper in an ordinary contract of carriage, is very little less than, if not equal to, that of the carrier. In an ordinary transaction of carriage the shipper's duty is performed when he has delivered his package to the carrier at the latter's receiving station and has obtained a shipping receipt for it. Under the special conditions governing the contract for carriage of milk in baggage cars, the shipper, instead of the carrier, must attend to the ticketing or billing (in some instances) of the consignment, and load it himself, or employ others to load it, into the baggage car. On reaching its destination the consignee must be on hand on the arrival of the train to take delivery at the door of the baggage car. If he does not perform this work himself he must employ others to do it, and, both by shipper and consignee, there is a service of value, and involving expense, which expense increases proportionally with the expense of any handling or expense of carriage by the railway company. The railway performs no service to the commodity during transit. If the weather be hot there is no icing; if extremely cold, no heat is included in the service. If damage results from the absence of icing, or of heat, the carrier is not responsible. In short, the carrier has practically performed his duty when it has given space in the baggage car of its passenger trains to a milk shipment, ticketed and loaded by the shipper, and to be unloaded by the consignee at destination.

With no modification of these conditions of carriage, and with none in contemplation (as counsel for the Canadian Pacific Railway states to the Board) the tariffs now attacked are submitted, and which proposed to substitute the following rates for those now in force under the old tariffs just referred to, viz:—

EIGHT-GALLON CANS, IMPERIAL MEASURE—(C.P.R. PROPOSED TARIFF)

Miles				Rates
Not over 10 miles..	..	..	..	17 cents
Over 10, but not over 20 miles..	..	..	..	18 cents
" 20, " " 30 "	..	..	..	19 cents
" 30, " " 40 "	..	..	..	20 cents
" 40, " " 50 "	..	..	..	21 cents
" 50, " " 60 "	..	..	..	22 cents
" 60, " " 70 "	..	..	..	23 cents
" 70, " " 80 "	..	..	..	24 cents
" 80, " " 90 "	..	..	..	25 cents
" 90, " " 100 "	..	..	..	26 cents
" 100, " " 110 "	..	..	..	27 cents
" 110, " " 120 "	..	..	..	28 cents
" 120, " " 130 "	..	..	..	29 cents
" 130, " " 140 "	..	..	..	30 cents
" 140, " " 150 "	..	..	..	31 cents

The Grand Trunk Railway Company and the Canadian National Railway Company carry the tariff up to 350 miles on the same scale; the Montreal and Southern Counties Railway Company carry the tariff up to 50 miles on the same scale; the Quebec, Montreal and Southern Railway Company and the Napierville Junction Railway Company carry the tariff to 250 miles on the same scale; and the New York Central Railroad Company carry the tariff up to 60 miles on the same scale.

There is some evidence as to the average distance of haul to different milk centres—e.g., Mr. R. D. Hughes, General Manager of the Farmers' Dairy Company, says (p. 8116), that the longest haul to Toronto in summer would be 60 miles, in winter about 140 miles. The average in summer would be 35 miles; in winter 100 miles.

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The representative of the Montreal Dairy Company says (p. 8116), that the average haul is about one-half up to 40 miles and the other half between 85 and 101 miles.

Mr. Nancekivell, of the Chamber of Commerce, Windsor, says (p. 8119), that 80 per cent of the milk supply of Windsor comes from Oxford county, Ingersoll and Woodstock, which means a haulage of from 130 to 140 miles.

These haulage figures, furnished in a general way, when applied to the centres affected, would mean the increases in tariff as follows: viz:—

Toronto, summer, 35 miles, average increase 33.3 per cent.

Toronto, winter, 100 miles, average increase 30 per cent.

Montreal, summer, 40 miles, average increase 33.3 per cent.

Montreal, winter, 35 to 101 miles, average increase 30 per cent.

Windsor, winter and summer (80 per cent) 130 to 140 miles, 50 per cent.

These are very general estimates appearing in the evidence, of mileage, given at the hearing. With a view to greater accuracy, as to mileage movements, take the average mileage of each railway to the centres to which the traffic moves—taken from statements filed by the railways since the hearing. The figures given are not indicative of the volume of traffic moving within the mileages given. That analysis will be dealt with further on.

1. *Canadian Pacific Railway Company—*

(a) Montreal, average mile.. . . .	57.2
(b) Ottawa, average mile.. . . .	40.34
(c) Windsor, average mile.. . . .	62.36
(d) Quebec, average mile.. . . .	32.03
(e) Toronto, average mile.. . . .	72.04
All centres, average mile.. . . .	60.25

2. *Grand Trunk Railway Company—*

(a) Montreal, average mile.. . . .	51.69
(b) Ottawa, average mile.. . . .	32.56
(c) Windsor, average mile.. . . .	91.77
(d) Quebec, average mile.. . . .	97.38
(e) Sherbrooke, average mile.. . . .	23.98
(f) Brockville, average mile.. . . .	41.26
(g) Hamilton, average mile.. . . .	20.90
(h) London, average mile.. . . .	26.28
(i) Toronto, average mile.. . . .	60.41
All centres, average mile.. . . .	54.53

3. *Canadian National Railways—*

(a) Montreal, average mile.. . . .	39.05
(b) Quebec, average mile.. . . .	35.80
(c) Garneau, average mile.. . . .	21.80
(d) Brockville, average mile.. . . .	16.80
(e) Trenton, average mile.. . . .	36.50
(f) Toronto, average mile.. . . .	56.46
All centres, average mile.. . . .	45.20

4. *New York Central Railway Company—*

(a) Montreal, average mile.. . . .	34.86
(b) Ottawa, average mile.. . . .	30.83
All centres, average mile.. . . .	40.69

The other railways concerned, viz., the Quebec, Montreal and Southern, the Napierville Junction Railway, and the Montreal and Southern Counties Railway did not furnish the information upon which a similar analysis could be made.

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From the figures given above, as to the mileage movements, to different eastern centres, indicated by the railways statements, the following appears to show the general averages of distances of haul to those centres of all railways concerned, and furnishing information:—

Centre	General average distance of movements
1. Montreal.. . . .	45.70
2. Ottawa.. . . .	34.44
3. Windsor.. . . .	77.06
4. Quebec.. . . .	53.07
5. Sherbrooke.. . . .	23.98
6. Brockville.. . . .	29.03
7. Hamilton.. . . .	20.90
8. London.. . . .	26.28
9. Toronto.. . . .	58.53

In further analysis of the statements furnished by the railways as to the mileage of the traffic to the six principal and representative centres, the following table will indicate the number of shipping points on each railway making return, located within the 10-mile zones proposed by the schedule:—

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STATEMENT OF TRAFFIC MOVEMENTS BETWEEN ZONES, 10 TO 150 MILES, TO PRINCIPAL CENTRES OF TRAFFIC.

Miles	Montreal.				Toronto			Ottawa				Quebec			Windsor		Brockville			Totals
	C.P.R.	G.T.R.	C.N.R.	N.Y.C.	C.P.R.	G.T.R.	C.N.R.	C.P.R.	G.T.R.	C.N.R.	C.P.R.	G.T.R.	C.N.R.	C.P.R.	G.T.R.	C.P.R.	G.T.R.	C.N.R.		
a 10 to 20.....	4	9	2	1	27	7	1	3	2	0	1	1	0	1	0	0	1	2	38	
b 20 to 30.....	9	13	4	1	14	14	0	1	0	0	1	0	0	1	0	0	4	1	63	
c 30 to 40.....	4	19	2	2	5	13	0	1	0	0	1	0	0	0	0	0	0	0	59	
d 40 to 50.....	7	19	2	2	5	8	0	1	0	0	1	0	0	0	0	0	0	0	50	
e 50 to 60.....	10	9	2	1	2	4	0	0	0	0	0	0	0	0	0	0	0	0	32	
f 60 to 70.....	10	15	1	0	1	5	0	1	0	0	0	0	0	0	0	0	0	0	36	
g 70 to 80.....	6	9	0	0	2	8	0	1	0	0	0	0	0	0	0	0	0	0	29	
h 80 to 90.....	5	10	0	0	6	6	0	0	0	0	0	0	0	0	0	0	0	0	30	
i 90 to 100.....	2	2	1	0	6	9	0	0	0	0	0	0	0	0	0	0	0	0	23	
j 100 to 110.....	3	2	0	0	4	8	0	1	0	0	0	0	0	0	0	0	0	1	19	
k 110 to 120.....	2	0	0	0	2	1	0	0	0	0	0	0	0	0	0	0	0	0	8	
l 120 to 130.....	0	2	0	0	3	1	0	0	0	0	0	0	0	0	0	0	0	0	7	
m 130 to 140.....	0	0	0	0	2	1	0	0	0	0	0	0	0	0	0	0	1	0	4	
n 140 to 150.....	0	0	0	0	1	2	0	0	0	0	0	0	0	0	0	0	0	1	4	
	62	109	14	7	48	87	22	11	7	0	6	6	1	4	3	0	6	5	402	
	192				157			24				11			7		11			
Percentage of whole.....	47.76%				39.05%			5.97%				2.74%			1.74%		2.74%			

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The above analysis shows that the movements from the various tariff zones to all the centres named took place in the ratio and percentage following, viz:—

										Percentage Percentage Percentage		
From 10 to 20 miles..	..	..	..	..	..	..	..	..	..	9.45	.....	.....
" 20 " 30 "	"	..	..	..	..	..	..	..	..	15.67	.....	.....
" 30 " 40 "	"	..	..	..	..	..	..	..	..	14.68	.....	.....
										<hr/>		
" 10 " 40 "	"	..	..	..	..	..	..	..	..	.....	39.80	.....
" 40 " 50 "	"	..	..	..	..	..	..	..	..	12.44	.....	.....
" 50 " 60 "	"	..	..	..	..	..	..	..	..	7.96	.....	.....
										<hr/>		
" 40 " 60 "	"	..	..	..	..	..	..	..	..	.....	20.40	60.20
" 60 " 70 "	"	..	..	..	..	..	..	..	..	8.96	.....	.....
" 70 " 80 "	"	..	..	..	..	..	..	..	..	7.21	.....	.....
										<hr/>		
" 60 " 80 "	"	..	..	..	..	..	..	..	..	.....	16.17	76.37
" 80 " 90 "	"	..	..	..	..	..	..	..	..	7.46	.....	.....
" 90 " 100 "	"	..	..	..	..	..	..	..	..	5.72	.....	.....
										<hr/>		
" 80 " 100 "	"	..	..	..	..	..	..	..	..	.....	13.18	89.55
" 100 " 150 "	"	..	..	..	..	..	..	..	..	.....	10.45	100.00

Applying the mileage percentages above mentioned to the scale of mileage zones of the tariff now in force, the percentage of the mileage movements from those zones, according to the statements furnished by the railways, would be:—

For 40 miles and under..	..	..	..	..	..	..	..	..	..	..	..	39.80 per cent
" 41 " to 150 miles..	..	..	..	..	..	..	..	..	..	..	..	60.20 " "

And applying the percentages to the mileage zones, proposed in the new tariffs, now under consideration, the following would result as to percentage of the mileage movements from those zones, respectively, to the centres—

From 0 to 40 miles..	..	..	..	..	..	..	..	..	..	..	..	39.80 per cent
" 0 " 50 "	"	..	..	..	..	..	..	..	..	..	..	52.24 " "
" 0 " 60 "	"	..	..	..	..	..	..	..	..	..	..	60.20 " "
" 0 " 70 "	"	..	..	..	..	..	..	..	..	..	..	69.16 " "
" 0 " 80 "	"	..	..	..	..	..	..	..	..	..	..	76.37 " "
" 0 " 90 "	"	..	..	..	..	..	..	..	..	..	..	83.83 " "
" 0 " 100 "	"	..	..	..	..	..	..	..	..	..	..	89.55 " "
" 0 " 150 "	"	..	..	..	..	..	..	..	..	..	..	10.43 " "

And the average of the zone haul to each of the centres respectively, would work out upon the same table, as follows:—

AVERAGE OF ZONE HAUL TO EACH OF THE CENTRES.

Centre	0 to 40 M.	40 to 50 M.	50 to 60 M.	60 to 70 M.	70 to 80 M.	80 to 90 M.	90 to 100 M.	100 to 150 M.
	per cent.	per cent.	per cent.	per cent.	per cent.	per cent.	per cent.	per cent.
Montreal.	36.46	15.62	11.46	13.46	7.90	7.81	2.60	4.69
(a)		52.08	63.54	77.00	84.90	92.71	95.31	
(b)								
Toronto.	35.67	10.19	5.14	5.05	7.64	8.92	9.56	7.83
(a)		45.86	51.00	56.05	63.69	72.61	82.17	
(b)								
Ottawa.	75	8.33		4.17	8.33			4.17
(a)		83.33		87.50	95.83			
(b)								
Quebec.	63.63	9.10	9.09	9.08			9.10	
(a)		72.73	81.82	90.90			100.00	
(b)								
Windsor.	14.30	14.27	14.29			14.28	14.29	28.57
(a)		28.57	42.86			57.14	71.43	
(b)								
Brockville.	72.73							27.27
(a)								

Note: The figures in columns—on line marked (a) indicate percentage of traffic to and within the zone area given.
The figures in columns—on line marked (b) indicate addition of zone traffic to percentage of traffic to zones preceding.

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The above results are not intended to be an analysis of the volume of traffic moving between the mileage zones mentioned, but to indicate, apart from the volume of traffic carried between and attributable to certain zones, the average zone movement of the traffic.

I will now consider, in the light of what information is furnished by the railways, the volume of traffic moving between the respective zones, with a view to ascertaining, with as much accuracy as figures furnished will allow, between what zone areas the burden of increase proposed will be carried.

The shipments in cans to the larger centres shown in the railway statements, viz., Montreal, Toronto, Ottawa, Quebec, Windsor and Brockville, would (when extended upon an equal annual basis), show a total, on an annual basis (estimated), of 2,174,582, of 8-gallon cans moving to the centres mentioned. (No date under this head being furnished by any other railways than the C.P.R., G.T.R., and C.N.R.):—

District	C.P.R.	G.T.R.	C.N.R.	N.Y.C.R.	Total
Montreal.....	496,226	545,688	42,869	No. of cans not given	1,084,783
Toronto.....	464,040	355,716	113,264	"	933,020
Ottawa.....	18,720	36,780	None.	"	55,550
Quebec.....	35,766	8,682	23,990	"	68,438
Windsor.....	8,658	18,378	None.	"	17,036
Brockville.....		9,732	6,123	"	15,855
					2,174,582
Number of cans (on same estimated annual basis) shipped to other points.....					25,326
Total annual number of cans carried (estimated).....					2,199,908

A glance at the above figures will show how largely Montreal and Toronto bulk as the centres of milk distribution. Together the shipments total 92·78 per cent of the total movements given by the railways, or 42·90 per cent to Toronto, 49·88 per cent to Montreal, and 7·22 per cent to other centres shown. These figures and percentages it is to be observed, are not in any sense an accurate statement of the whole traffic; but are based upon what data has been furnished by the various railways interested in supporting their proposed tariffs, and by extension of their figures upon an annual basis, when furnished only for two representative months. They are, however, close enough for analytical purposes.

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According to a statement furnished by the Canadian Pacific Railway Company, the rates now proposed would effect increases upon the present schedule according to the percentages following, viz:—

Mileage proposed	Present rate	Proposed rate	Increase per can	Increase percentage
	cents	cents	cents	
Not over 10 miles.....	15	17	2	13.3
Over 10, not over 20.....	15	18	3	20.0
“ 20 “ 30.....	15	19	4	26.6
“ 30 “ 40.....	15	20	5	33.3
“ 40 “ 50.....	20	21	1	5.0
“ 50 “ 60.....	20	22	2	10.0
“ 60 “ 70.....	20	23	3	15.0
“ 70 “ 80.....	20	24	4	20.0
“ 80 “ 90.....	20	25	5	25.0
“ 90 “ 100.....	20	26	6	30.0
“ 100 “ 110.....	20	27	7	35.0
“ 110 “ 120.....	20	28	8	40.0
“ 120 “ 130.....	20	29	9	45.0
“ 130 “ 140.....	20	30	10	50.0
“ 140 “ 150.....	20	31	11	55.0

The percentage of increase shown by the above table present some striking features having regard to the percentages of zone haul of the traffic to the six centres shown in the statement of average zone haul. Applying the percentages of increase of proposed rates over existing rates in the latter to the average of zone haul, it is manifest that the ordinary and well established principles of ratemaking, especially when applicable to zone hauls, are either departed from, or suffer some distortion. While long haul rates are, in proportion, cheaper than short haul rates, that element, at least, is wanting in the tariff now proposed to be based upon 10-mile haulage zones. One would expect that rates built upon that principle would increase with the number of zones covered by the total haul. The application of the tables drawn from the statements of traffic, etc., offered by the railways in support of the proposed tariff, show that, while this principle is adhered to in part, it is departed from, and in a way that largely discriminates against the volume of the traffic. In determining the fairness of the proposed increase of rates, for the carriage of so vital a food commodity, upon which a very large supply business has been built up, greater burdens rest upon the railways in their justification, and in their examination regard must be had, primarily, to the bearing, pro rata, the proposed new rates have upon the important traffic built upon the basis of the old rates. An analysis of the can mileage returns given show the following distribution of zone hauls to the large centres of Montreal and Toronto, which as I have shown bear so large a proportion of the whole traffic:—

CAN MILEAGE MOVEMENT TO MONTREAL

MILEAGE

Railway	0 to 20	0 to 30	0 to 40	0 to 50	0 to 60	0 to 70	0 to 80	0 to 90	0 to 100	0 to 110	0 to 120	Totals
C.P.R.....	38,268	71,664	124,038	27,828	44,214	32,346	12,474	16,104	93,390	33,000	2,910	496,236
G.T.R.....	9,366	22,698	55,500	152,454	27,582	88,074	129,090	19,782	8,250	30,024		542,820
C.N.R.....	19,138	14,113	2,409	6,546	141	361			511			43,219
Totals.....	66,772	108,475	181,947	186,828	71,937	120,781	141,564	35,886	102,151	63,024	2,910	
Mileage—all roads—120 to 150.....												2,868
*Total.....												1,085,143

CAN MILEAGE MOVEMENT TO TORONTO

C.P.R.....	6,036	56,532	45,186	15,168	8,280	2,532	2,418	133,908	132,810	25,134	570	428,394
G.T.R.....	22,542	69,300	53,004	17,322	16,050	13,092	25,344	57,342	63,996	12,798	300	351,090
C.N.R.....	1,915	31,117	18,618	14,491	4,604	4,061	11,247	16,350	8,509	2,243	1,109	114,264
Totals.....	30,493	156,949	116,808	46,981	28,934	19,505	39,009	207,600	205,315	40,175	1,979	893,748
Mileage—all roads—120 to 150 miles.....												47,243
*Total.....												940,991

*It is to be noted that slight difference in totals above from those on preceding page is due to errors of addition in statements furnished by railways.

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The application of the proposed rates to the new zone haulage of the traffic, shows the following results applicable to the centre of Montreal:—

In zone haul	0 to	40 miles,	32.92 p.c. of traffic would pay	33.3 p.c.	Increase.
"	"	40 " 50	" 17.22 "	" 5.0 "	" "
"	"	50 " 60	" 6.63 "	" 10.0 "	" "
"	"	60 " 70	" 11.13 "	" 15.0 "	" "
"	"	70 " 80	" 13.04 "	" 20.0 "	" "
"	"	80 " 90	" 3.31 "	" 25.0 "	" "
"	"	90 " 100	" 9.41 "	" 30.0 "	" "
"	"	100 " 150	" 6.34 "	" 45.0 "	" "

Substantially the same scale of increase is applicable to the Toronto traffic. A percentage (approximate) of 33½ per cent of the Montreal, and 33 per cent of Toronto traffic; fully 75 per cent of Ottawa; 95 per cent of Brockville; 75 per cent of Quebec; and about 6 per cent of the Windsor traffic representing 52.83 per cent (in round figures 53 per cent) of the total traffic moving to the six centres, in the traffic returns, moves in the zone 10 to 40 miles, and would, therefore, bear 33.3 per cent of the increased rates. Beyond that 10 to 40-mile zone the movements become light and scattered, as appears by the table showing average of zone haul, the additional 47 per cent of the traffic being distributed over zones from 50 to 150 miles. And yet, as the zone distances increase over 40 miles, and the traffic is divided into smaller portions between zones, and begins to dwindle as distances from centre increase, the burden of increase of rate that traffic bears sharply decreases, in the 40 to 50-mile zone (carrying 17.22 per cent of the traffic) to 5 per cent; in the 50 to 60-mile zone (carrying 6.63 per cent of the traffic) to 10 per cent; in the 60 to 70-mile zone, (carrying 11.13 per cent of the traffic) to 15 per cent; and in the 70 to 80-mile zone (carrying 13.04 per cent of the traffic) to 20 per cent; thus throwing the burden of increase of 33.3 per cent in rates upon the larger volume of traffic, moving within the shorter distances, and distributing the lighter increases (5 per cent to 20 per cent) amongst the lighter traffic moving between the zones having the longest haul.

Reference may be made to the revenue derived from this traffic, i.e., to Montreal and Toronto, in relation to total revenue shown by the railways filing tariffs. The statements of the C.P.R. and G.T.R. giving the figures, are for January and July, 1919, as representative months, so the figures are extended on an annual basis without specific regard to accuracy of calculation, but as giving a general indication as to the proportion these centres are contributing to the whole revenue shown:—

REVENUE			
	Total	Montreal	Toronto
C.P.R....	\$185,514 60	\$ 87,549 10	\$ 87,420 30
G.T.R....	180,754 50	104,759 40	62,967 60
C.N.R....	31,081 55	6,480 85	20,671 35
N.Y.C.R....	19,607 60	14,102 58	.....
	<hr/>	<hr/>	<hr/>
	\$416,958 25	\$212,891 93	\$171,059 35
		<hr/>	
		\$383,951 28	
	Or 92.08 per cent of the total traffic.		

The gross earnings from the milk traffic in Canada as shown by railway statistics for 1918, appears to be:—

For 1917...	\$538,486 82
For 1918...	550,416 08

by which it appears that about 69.76 per cent of the revenue from the milk traffic of Canada is derived from Montreal and Toronto traffic.

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It is argued that the proposed schedule is with a view, first, of establishing the 10-mile zones of haul for this traffic as a more feasible and workable plan of handling the traffic, and secondly, of adjusting and equalizing the rates as between the zones, but the effect, as above indicated, of its application to a traffic which, inaugurated, under special conditions in 1886, has steadily grown to substantial proportions under the rates now in force, is not to be lost sight of in considering the general reasonableness of the proposed schedule as applied to the whole traffic. As I have before pointed out, the burden of establishing the reasonableness of the proposed change is clearly upon the railways proposing the change, and the condition of the traffic under consideration is such as to call for a strict application of the principles referred to in *Dominion Sugar v. Canadian Freight Association*, 14 C.R.C., p. 188, and emphasized in *Canadian Freight Association v. Caldwell*, 15 C.R.C., 156, in which latter case at p. 157, Mr. Commissioner McLean, in delivering the judgment of the Board, said at p. 157:—

“The Board has laid down, in various decisions that where a rate which has been for sometime in force was increased, the burden of proving that such increase was reasonable was on the railway, it being held that a rate established in the first instance by a railway of its own volition was presumptively reasonable, and that it was incumbent upon the railway, if such initial rate was reasonable, to show with reasonable conclusiveness what changed conditions, or increase of operation justified the advance of the rate.”

And, in the Pender case, file 10720, where the rule was applied, it was required that the information as to changed conditions and cost should be as to the particular commodity on which the rate increase had been made.

While this principle was not followed in the Board's judgment in *International Paper Company v. G.T.R., C.P.R., and C.N.R. Companies*, 15 C.R.C., p. 111, the presumption was by the majority of the Board, held to be subject to the qualification that operating costs have not materially advanced. In the dissenting judgment of Mr. Commissioner McLean he says:—

“The Board, however, has laid down the position that when a rate is increased the burden is upon the railway to justify this increase; and it has further held that general allegations as to the increase of cost of service, etc., are not conclusive, as to the reasonableness of the rate. Personally, I am of the opinion that the railway should adduce particular information as to the increase of the particular costs affecting the traffic in question, if increase of cost is to have any adequate weight in justifying the reasonableness of the rate attacked. In a recent decision of the Interstate Commerce Commission, *Geo. A. Hormel & Co., v. Chicago, Milwaukee & St. Paul Ry. Co., et al*, 26 I.C.R. 1, at p. 114, the following language occurs:—

“Defendants introduced some testimony as to the increased cost of transportation by reason of higher price of equipment and greater wages paid employees, but such statements can have little weight when presented in the abstract with no attempt to allocate charges or consider corresponding reductions in the cost of transportation resulting from greater efficiency.”

The principle, therefore, remains as the Board has always held, that wherever particular costs are available in justification of an increase of a long standing rate, they should be furnished, and their absence subjects the railway to the presumption stated. I shall refer later on to the specific nature of the information required by the Board to be furnished in this case, and the effect of its not being forthcoming is considered both with regard to the application in the special circumstance, of the presumption referred to, and to the special features of the rate arrangement herein referred to.

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Having pointed out in the foregoing analysis of the information as to the traffic submitted by the railways in support of the increase what, from the information submitted, would appear to be inequalities which would result from the application of the proposed rates to the important traffic built up on the present rates it will be useful to consider the extent to which the proposed schedule is justified by the arrangements of the railways, and how far they have satisfied the onus resting upon them to establish their reasonableness and necessity.

II

The grounds upon which the railways seek to justify the proposed tariffs may be briefly stated as follows:—

- (a) The increased cost of the service to the railways.
- (b) The increased price of milk since present rates effective.
- (c) The increase in the volume of traffic—entailing upon the railways the expense of further facilities for carrying and handling the traffic.

Were the milk rates based upon the ordinary conditions as to service, liability, and other elements, that attach to relations between shipper and carrier, the grounds referred to as the basis of the new, and increased, rates, if established by the railways, upon which the onus rests, would be entitled to every consideration. But, the history of the traffic from its inception in 1886, and from thence forward shows that, it was *“a very exceptional arrangement, and was conditional from its inception upon the shipper and consignee performing certain acts which they would not be required to perform in ordinary shipments of freight or express.”*

See evidence of Mr. J. O. Apps, General Baggage Agent, C.P.R., at hearing of complaint of Montreal Milk Shippers' Association, volume 130, p. 5142.

To the same effect is the following evidence given by Mr. Apps, reported, volume 130, p. 5140-41:—

“(Q.) The arrangement under which these rates were established involved, from its inception, did it not, the performance of certain services by the shippers and consignees?

“(A.) Yes.

“(Q.) What did they consist of?

“(A.) That the shipper should load the full can on the incoming journey and that the consignee would take delivery at the car door on arrival at destination.

“Commissioner McLEAN: Were those conditions the outcome of an agreement in the first instance, or were they something imposed by the railway?

“(A.) I understand it was an arrangement made in 1886.”

That exceptional condition—which, in a very large measure, removes the traffic from the ordinary elements of consideration and makes it largely dependent upon performance of reciprocal and exceptional obligations foreign to the ordinary relations of shipper and carrier, was further emphasized, in the same case, at p. 5199, by the following statement of Mr. Beatty, then appearing as counsel for the C.P.R.:—

“As I explained this morning, there is no doubt but that the reciprocal services performed by the carrier and shipper in respect of this peculiar commodity, handled in the way in which it was and is handled, was part of the arrangement whereby these very low rates and this fast service were obtained.”

At the time that these statements were made on behalf of the railways (June 22, 1911) the railways were opposing an application to the Board by the shippers for a lower rate; for the continuation, at a lower rate, of the 4-gallon movement, estab-

lished in 1893; and for more stringent conditions as to the railways responsibility for the shipments and carriage. All that is now urged as reasons for increasing the rates were then urged by the railways as a reason for *not reducing* them—no suggestion of an increase of rates being then offered by the railways.

The railways argued the increased cost of the service, alleging that it had increased considerably since the original and reciprocal arrangement was entered into.

Mr. Beatty says, volume 130, p. 5143—to the witness—Apps:—

“Q. Is this application tantamount to a reduction in rates?

“A. Yes.”

And at p. 5144, Mr. Beatty further said:—

“I think we can assume this, that all transportation charges have increased the cost of handling the average number of tons per mile that we handle, in the course of a year, having increased, about 80 per cent since 1886, that the cost of handling these identical trains upon which the milk is carried has increased in somewhat the same proportion.”

The same complaint as to the unremunerativeness of the traffic to the railways was argued, in defence of the then, and now, existing rates, by Mr. Beatty, at pp. 5199 and 5200 (volume 130).

The complaint as to increase in cost of operation, had it been considered a factor, was well grounded then (in 1911), as regards percentage of increased operating cost, 1885-1910.

In 1885, operating cost per mile was.....	\$2,229 00
“ 1910, “ “ “ “ “	4,869 00
or 100 per cent plus	

so that Mr. Beatty was well within the mark in stating that cost of handling this traffic (considered a part of general traffic) had increased 80 per cent since this reciprocal and special arrangement was made in 1885, but he based it upon no claim or suggestion, that because of it the rates established upon the reciprocal agreement he propounded as a defence against the reduction of those rates, should thereby be increased.

The situation as regards the reciprocal agreement as to this traffic remains to-day—as it was in 1886—the only result of the hearing referred to being an Order, No. 15413, September 26, 1911, referred to in the earlier part of this opinion, and that, by consent of the parties (see judgment of the then Assistant Chief Commissioner, July 24, 1911), the conditions of traffic were settled upon in the form in which they appear to-day.

It is true that the railways complained, in 1911, as they do now, that the business was unremunerative, and that they did not want it—but, as Mr. Beatty said, in 1911 (volume 130, p. 5200):—

“We recognize that the system has grown up to such an extent that it is very difficult to change it, but if there is any way by which we could change it, we would be the most pleased people in the world.”

The closing words of counsel for the C.P.R. on that occasion are important, as showing the attitude of the railways upon the question (volume 130, p. 5200):—

“Now it seems clear to me that the logical way for the Board to deal with the matter is this: these rules which have been agreed to have never been tried; the shippers’ association admit, as the railways admit, that they were never given real effect to, because they were never insisted upon either by the carriers, or attempted to be lived up to by the shippers. The Board is impressed

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with the fact that these are reasonable rules and if the Board will say now, test these rules for three or four months, see that an absolute compliance with each term of each rule is required of the shippers by the carriers, then if that does not relieve the situation as complained of by the applicants, *this application can be renewed.*"

The application, it is to be borne in mind, was by the shippers, *inter alia*, for a *reduction* of the rates. The consent disposition effected by Order No. 15413 apparently worked satisfactorily, as the application was not renewed. The traffic, in the meantime, has substantially increased.

The increased price of milk to the consumer was dealt with at the hearing of the case in 1911. It was referred to again, not as a reason for increasing the existing rates, but as justifying them and as a reason why the application for their reduction should not be granted. It is alleged by the railways that the cost of milk to the consumer had increased since 1886 by 40 per cent (volume 130, p. 5145). Mr. Flintoft now argues at the hearing of this case—volume 310, pp. 8126-7—that the price of milk has increased 62 per cent since 1911, and that the rates per quart in the larger cities stated was then:—

	Cents
Vancouver.. . . .	15
Calgary.. . . .	14
Winnipeg.. . . .	13
Ottawa.. . . .	13
Montreal.. . . .	14
Toronto.. . . .	14
Quebec.. . . .	14
St. John.. . . .	14

Variations in this price in some of the centres named have taken place. The price to the consumer of this essential food commodity is, always has been, and probably always will be, from its very nature, fluctuating. Eggs, butter, meat, and several other food commodities of universal consumption show rapid fluctuations in price, largely upward of late years, yet the increase in price to the consumer of such food commodities has never, of itself, justified an application by the railways for permission to increase the cost of their carriage—even as ordinary freight—much less would such circumstances of fluctuation be a factor in aiding the railways to justify the increased tolls asked under the special and reciprocal arrangement under which this traffic has been carried for 33 years, during which time the fluctuations in price must have been very considerable. I would unhesitatingly say that the justifiability of considering this as a factor has not been established.

It is also argued that the conditions of carriage, the increased volume of the traffic, entailing, as is alleged, increased expense to the railways in the handling, billing, carrying, and delivering of milk, are all factors justifying the increased rates asked for. As to the conditions of carriage, the weight of the argument is difficult to see. The present conditions, which the railways do not propose to change, are the result of the application by the shippers in 1911, and as I have pointed out, were agreed to by the railways, and have been acted upon without complaint for upwards of eight years. It was never argued, until now, that because of them the rates should be increased. We were urged (volume 130, p. 5200) to give them a trial and if not satisfactory, after trial, the then current application by the shippers for a *reduction of rates* and more stringent conditions of carriage, might be renewed. The application was not renewed, the conditions mutually agreed upon appear to have been mutually satisfactory in their operation, and it would, it seems to me, not only be unreasonable, but unjust to base a claim upon them now for the increases asked for by the railways.

The arguments as to increased volume of traffic justifying the increased rates deserves but a further passing comment. It is a factor always sought for by the

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railways, and an element which operates in reduction, rather than increase, of cost of carriage. It was admitted, as I have shown, at the hearing in 1911, by counsel for the C.P.R., that the milk traffic had grown to such an extent that it was difficult to change the system under which it had been carried since 1886 (volume 130, p. 5200). It has grown substantially since then, and, with the growth of the country must proportionally increase. It is no more an argument to-day in favour of increasing the rates than it was in 1911 in favour of retaining the present rates against an application to reduce them, and, in my opinion, it lacks the merit of consistency.

The railways further argue that the cost of handling this traffic has been further increased by the necessity imposed upon the railways of furnishing further facilities, additional baggage cars, more clerical work in billing, etc., and more men in handling returned empties, and shipments at junction points, and that with the upward curve of wages and costs generally, these must be offset by an increase in revenue. This argument is largely answered by what I have said in a previous paragraph as to conditions of carriage. The railways agreed to those conditions. They accepted, as incident to the burdens of a traffic they say they did not relish, the results of those conditions is so far as they imposed additional burdens upon them with all that they involved, present and future, as part of the reciprocal obligations which are the basis of this special traffic. This is clearly set forth in the following statement, by Mr. Flintoft at the hearing. Evidence, volume 310, p. 8122:—

“In the year 1911 the basis of milk rates was protested and very thoroughly enquired into, as a result of which the Board issued order number 15413, which upheld the basis of rates and laid down certain regulations in regard to the carriage of the milk traffic, which generally increased the burden of service upon the carriers, in connection with various features, such as loading and the giving of receipts and taking care of the traffic generally.”

Although the burden of proof is on the railways, under the decisions referred to, of showing extra cost attributable to the particular commodity carried under the tariff proposed to be increased, where, as is shown in this case, the tariff has been in force for so long a time, and, particularly, under the special reciprocal conditions upon which it was originated in 1886, and thereafter maintained, I am unable to find any evidence of increased cost attributable to this traffic. The railways have contented themselves with references to the well-known high level and upward trend of every factor of cost of operation generally, asking the Board to apply its knowledge of such to the special commodity in question. I do not read the decisions cited as justifying such a procedure. Even if, on the decisions referred to, it is alleged that general representations as to increased cost are sufficient to rebut the presumption as to the unreasonableness of an increased rate as compared with the theretofore existing rate of long standing, the special reciprocal conditions of the tariff on which the traffic was built and maintained would render it essential, as regards this particular case, that the burden of proof be fully satisfied by the railways. I cannot find any suggestion that for the specific purpose of serving this traffic the railways have had to build and put in use any additional baggage cars. It is true that loading platforms have had to be erected by the railways. They would be infinitesimal in cost in ratio to the volume of traffic and increased revenue derived therefrom. They would, also, be part of the burden the railways assumed in 1886 when entering into the reciprocal arrangement, and which they confirmed by the acceptance of the conditions of the order disposing of the application to reduce their rates. The milk moves largely on local trains, in baggage cars. If, in any specific cases (and they are not mentioned) an additional baggage car had to be put on a train to serve the milk traffic it would only be because the volume of movement necessitated the additional accommodation for milk, as it might do in the case of baggage. But, however that

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may be, the Board cannot, and should not, in a case like the present, be asked to presume that extra accommodation and service was, in specific cases, or in a percentage of cases to be guessed at, provided by the railways, and by some means, other than by evidence which it is clearly the duty of the railways to furnish, to arrive at the additional cost involved.

The whole situation—based upon the inauguration of the traffic 33 years ago—and continued practically uninterrupted ever since—is exceptional and cannot be regarded or be dealt with upon the same principles as an ordinary traffic rate. It is, as the railways squarely admit, founded as to the details of service upon special and reciprocal obligations of shipper and carrier. The Board can ignore the arrangement, if it were thought unduly onerous, but, even if the evidence pointed towards such a conclusion (and in my opinion it does not) the fact that the railways in 1911, confirmed the original arrangement, with the changed conditions of carriage, preclude any such conclusion as to the unreasonableness of the arrangement so far as either party was concerned. The service involves special features foreign to the ordinary contract of carriage, and cannot be said to be unfair to the railways. It involves services to be performed by the shipper, foreign to the ordinary contract of carriage, in consideration of which the railways agreed upon a low rate of remuneration for what services they would have to perform, practically reducible to the giving of space in its baggage cars for the cans of milk loaded therein by the shippers, and the carriage and delivery of them at the baggage car door at destination to the consignees. What the railways ask is that the value of their service shall be increased proportionately with general increases of cost of the general operation of railways. But the value of the special and unusual services contributed by the shipper and consignee, have increased in the same proportion, yet no consideration is given to that extra cost. My view is that the services, respectively, of shipper and consignee, contributed under the special arrangement for this traffic and which were the considerations, originally, and during 33 years, for the alleged low scale of tariff, are, proportionately and relatively, as valuable to-day as factors in the arrangement as they were when it was originally made. To say that the services of the railways were to be appraised now at a higher relative value than in 1886, 1891, or 1911 to those of the shipper and consignee would have the effect of destroying that reciprocal contribution of service which the railways admit was the foundation of the original special arrangement, and would disturb its balance in a manner unfavourable and unfair to the shippers.

Although possibly different considerations might suggest themselves were the railways asking to place this traffic upon a different basis, thereby ridding themselves of the original and reciprocal obligations, yet as they affirm the arrangement, while seeking to better its terms at the expense of the other parties to it, I can only deal with the situation as one resting upon the same reciprocal obligation with a view to preserving the equities, or relative rights of each party.

The railway companies (C.P.R. and G.T.R.) submitted since the hearing, statements purporting to show the earnings of the milk traffic for representative months on a car-footage and car-mileage basis, as follows:—

STATEMENT SHOWING TOTAL REVENUE FROM MILK TRAFFIC.
EASTERN LINES, JANUARY AND JULY, 1919

C. P. R.—

1. Total revenue—Present.. . . .	\$30,919.10
Proposed.. . . .	39,079.96
2. Total car foot miles.. . . .	6,807,579
3. Plus 25 per cent working space in the case of L.C.L. traffic.	8,064,691
4. Revenue—	
Per car foot—Present.. . . .	3,834 mills
Proposed.. . . .	4,845 mills
Per car mile, 60-foot cars—Present.. . . .	23.004 cents
Proposed.. . . .	29.07 cents

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STATEMENT OF MILK TRAFFIC, JANUARY AND JULY, 1919, SHOWING EARNINGS,
CAR FOOT MILES AND CAR MILE

G. T. R.—

1. Total revenue—Present..	\$30,125.75
Proposed..	36,396.85
2. Total car foot miles..	7,182,481
3. Plus 25 per cent for working space in case of L.C.L. traffic.	8,559,395
4. Per car foot mile—Present..	3.519 mills
Proposed..	4,252 mills
Per car mile—60-foot cars—Present..	21.11 cents
Proposed..	29.07 cents

These statements are prepared upon the same basis and are submitted in support of an argument that the same principles as to earnings applicable to express cars should be applied to baggage cars and the milk traffic therein. Mr. Flintoft refers in this connection to the judgment in the Railway Mail Rates and Express Rates Case, and argues that traffic carried in baggage cars should be paid for and be treated in all respects as regards car mileage earnings as that carried by express car. I have referred to, and emphasized the fact that the general well known principles of rate making do not, by reason of the special circumstances and the nature of the special reciprocal arrangement under which this traffic is carried, apply to the tariffs proposed and, consideration of the argument advanced is not, therefore, necessary to the conclusion I have arrived at. I would, however, observe that, in so far as, in the special circumstances reviewed as regards this traffic it is necessary to deal with that contention, it would appear, as a primary difficulty, that this is not express traffic.

The contention that a baggage car, utilized for this special purpose is to be treated as in the same class as a mail or express car, in my opinion need not be passed upon here.

The railways gave no particulars as to the increased cost at the hearing. They referred only to the increased cost of operation generally, and, as incident to that, and without giving particulars thereof, to the alleged general factors tending to increase cost. I have dealt with these general factors, and am without data, figures, or particulars to deal further with any other question of increased cost applicable to this traffic. After the hearing, and by letter, dated September 13 last, the railways were notified that the Board considered that the proposed increase in rates indicated in tariffs filed, and held under suspension, had not been so clearly and sufficiently supported and justified as to warrant any other order being made except for continuance of suspension of the tariffs. That the Board considered that the railways had not discharged the onus resting upon them of showing the necessity for increased rates or reasonableness of tariff; and the railways were required to submit and serve upon the opposite parties, statements of the traffic, showing, *inter alia*:—

“3. The extent, nature and particulars of any factors alleged to have contributed to the increased cost of the traffic, and necessitating and alleged to justify, the increase in rates.”

Beyond such general factors as have been put forward and which have been dealt with in the foregoing pages, no particulars of the specific increased cost are forthcoming as a result of the Board's direction. Having disposed of what has been put forward as alleged justification of the tariffs, I am of opinion that the railways have not discharged the onus imposed upon them of justifying the tariffs as to the reasonableness of the increases asked, or with respect to the specific traffic, as to the necessity for such increased revenue as is asked.

Reference was made by Mr. Scott, counsel for the National Dairy Council, at the hearing, and subsequently, to the New England rates for milk carriage, and to

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the effect of the decisions of the Interstate Commerce Commission, in Milk and Cream Investigation (Case No. 8588) I.C.C.R. 40, p. 699; Hood v. Delaware & Hudson Co. (Case No. 765) I.C.C.R. 43, p. 375.

In the conclusion I have come to, it is not necessary to do more than to point out that the traffic mentioned is carried under lesser rates and with more service by the railways than is the Canadian traffic. Mr. Marshall filed a statement of these rates, which I quote to the extent of 150 miles.

RATES ON MILK

COMPARISON of Present and Proposed Canadian Rates per 8 Imperial Gallon Can with present "New England" Scale of Rates per 40 Wine Quarts (8½ Imperial Gallon) Can.

Miles Not over	Present Canadian Cts.	Proposed Canadian Cts.	New England Cts.
10.. .. .	15	17	11.4
20.. .. .	15	18	11.4
30.. .. .	15	19	13.9
40.. .. .	15	20	13.9
50.. .. .	20	21	16.1
60.. .. .	20	22	16.1
70.. .. .	20	23	18
80.. .. .	20	24	18
90.. .. .	20	25	19.7
100.. .. .	20	26	19.7
110.. .. .	20	27	21.3
120.. .. .	20	28	21.3
130.. .. .	20	29	22.8
140.. .. .	20	30	22.8
150.. .. .	20	31	24.2

It will be noted that these rates include heat in winter and refrigeration in summer and return of empty containers, services not performed by the Canadian railways, and all involving a large percentage of the cost of carriage. About 80 per cent of the Canadian milk traffic moves from 0 to 80 miles; 93 per cent up to 100 miles. Comparison of the rates, with consideration of the extra, and valuable, service by the American roads, to conserve this important food in the best condition for consumption by the consumer, will indicate the barren nature of the service proposed to be given in Canada at a higher rate of carriage. It is true that these rates have temporarily, been increased by 25 per cent, but, with that increase, they are lower than the Canadian proposed rates, plus the valuable service mentioned. The volume of the traffic carried is said to justify the low rates. The same argument, viz: the steady increase of traffic in Canada upon the present rates, would serve to refute the necessity for any increase in Canadian rates.

The milk traffic did not participate in any of the general rate increases. No application was made with respect to it. If the arguments advanced at the hearing, and subsequently, with regard to the largely increased cost of the traffic in common with and upon the same basis as all other traffic, had been applicable to this special reciprocal arrangement, there would have been no good reason why this traffic should not have been dealt with on that application. But I am of opinion that it was not so dealt with by the railways because it was regarded as a special feature of traffic, built, as counsel for the railway admits, upon a special reciprocal arrangement, and so maintained, not carried on freight trains, or by express, and not being entitled, from its nature, to share in the increase granted such general traffic upon the basis of advances in cost of carriage and operating generally.

Reference has been made by counsel for the railways to the judgment of Sir Henry Drayton, when Chief Commissioner of this Board, in the Express Rates Case (July 17, 1919). I refer to the disposition of commodity rates particularly cream, by the judgment, and quote the following from page 164:—

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"I am ready to admit that the value of all commodities has been very greatly increased since commodity rates first came in, and that one of the elements in rate making relates to the value of the commodity carried and to the increased risk undertaken. As against the shippers and vendors of these articles of daily necessity, there is no difficulty in the express companies justifying a reasonable increase. I do not think, however, that the matter ought to be so considered at the moment. The companies will obtain a fair measure of increase in their first-class and second-class rates. That increase, it is hoped, will prove sufficient to properly maintain the companies and the business; but whatever increase is placed on these commodities would form a reason, (a comparatively small one it is true in most instances, but still a reason) for further increases in the charge made to the consumer. In the past experience it would appear that the increase in charge to the consumer would be much greater than the increased cost per pound or per pint of the commodity. The cost of living is still mounting. As I see it, it is not to the public interest, and not in the interests of the express companies themselves, to afford the excuse that a raise in the price of transportation of these essential commodities would give for still higher charges against the public. Over and above the essential interest of the consumer, a further and very real ground for withholding increases in these commodity rates, unless it proves to be absolutely necessary, lies in the position of the producer. The commodity rates are the producer's rates. He produces in quantity and ships in bulk. On the pound unit of production, his resultant profit is small. His costs have greatly increased. I would dismiss the companies' applications, in so far as the commodity rates are concerned, entirely, subject to the right of the companies, should it be found impossible for them to make both ends meet, to renew the application. I have mentioned only the chief commodity rates, but would deal with all on the same basis."

The quotation is singularly applicable in relation to the present application. Where the late Chief Commissioner says: "The companies will obtain a fair measure of increase in their first and second class rates," the same might be said of the railways, relatively to their general increases. And the reference to the increase in producers costs are also pertinent here.

The zone feature of this traffic is deserving of consideration from shipper and carrier. At present there are but two zones, 0 to 40 miles; 40 to 150 miles. The proposed tariff covers the more extended zones mentioned. Mr. Scott for the National Dairy Council, suggests 25-mile zones. It might be desirable for shippers and carriers to consider this feature, and possibly consideration of the analysis of the traffic may lead to some such improvement in this respect. This is a matter for consideration of shippers and carriers in ease of the traffic generally. In my opinion there should be an order disallowing all the traffic in question.

Judgment of Commissioner Goodeve, dated February 12, 1920. Concurred in by Deputy Chief Commissioner Nantel.

I regret that I cannot concur fully in all the findings in the judgment of Mr. Commissioner Boyce.

My impression from the evidence is that owing to the largely increased cost of transportation generally, that this traffic should bear its fair proportion of that increase. I do not think, however, that this amount can be arrived at by an analysis of the statements of costs submitted by the railways.

As pointed out in Commissioner Boyce's judgment, this traffic is carried in a peculiar manner, and a portion of the costs that would be attributable to ordinary traffic does not apply to this case.

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The railways were asked to submit statements that would furnish the necessary data showing the increases that would apply to this particular traffic. They failed to do this. Without this information, and in view of that portion of the judgment dealing with Commodity Rates in the Express Rates Case, as quoted by Commissioner Boyce in his judgment, I agree that the tariffs should be disallowed.

BROADVIEW RATEPAYER'S ASSOCIATION, BURNABY, B.C., *re* BRITISH COLUMBIA ELECTRIC
RAILWAY RATES

Judgment of Assistant Chief Commissioner McLean, dated December 23, 1919. Concurred in by Chief Commissioner Carvell and Commissioner Rutherford.

At the sittings of the Board in Vancouver on November 22, 1919, complaint was made of the rates, particularly those affecting Horne Payne and Crown Avenue stations. As expressed by Mr. Collier, one of the parties applicant—

“This has been argued before by the solicitor for the municipality, but the Ratepayer's Association instructed me to come and make a formal protest before this Board as to what we consider an exorbitant increase that was granted the company on this line last June. Previous to that we had a fifty cent rate ticket in existence. I will mention Horne Payne and Crown Avenue stations. At Horne Payne the rate was 5 cents a ride, Crown avenue 6 cents, buying a book costing \$3. The new rate to Horne Payne is 7 cents, an increase of 2 cents; the new rate to Crown avenue is 9 cents, an increase of 50 per cent, which we consider is exorbitant. The company in their statement listed the old rate on the basis of a ten-ride ticket, which in the case of Crown avenue would read 7½ or 75 cents for a ten-ride ticket. So far as we were concerned, using that station, the ten-ride ticket was practically non-existent, so that to us the old rate was 6 cents and the new rate is 9 cents.”

The stopping-points particularly referred to are located on the Burnaby Lake line, of the British Columbia Electric Railway. The Burnaby Lake line, in terms of its charter, is the Vancouver, Fraser Valley and Southern.

The application of the British Columbia Electric Railway Company for increases in passenger rates on the line in question was dealt with by the Board in its judgment of November 14, 1918.

In the increases for which sanction was asked were certain commutation rates. The rates herein involved fall in this class. The following detail sets out the former rate and the rate for which sanction was asked:—

COMMUTATION RATES

VANCOUVER, FRASER VALLEY AND SOUTHERN RAILWAY COMPANY

Miles	Between Vancouver and New Westminster					
	10-ride adult		Mls.	10-ride adult		
	Old rate	New rate		Old rate	New rate	
4.9 Horne Payne	\$0.50	\$0.70	9.8	\$1.25	\$1.50	
5.5 Crown Avenue	0.75	0.90	9.2	1.25	1.50	

The figures as to earnings and expenses were carefully analyzed at the time, and the conclusion was unescapable that the various increases involved were justified; and, accordingly, a sanction which covered the rates herein complained of was given.

At the hearing in Vancouver, additional information as to this condition of the line was submitted by the railway.

Intimation was given at the hearing by the Chief Commissioner that on the showing made it was improbable that the line could carry on on lower rates.

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While it cannot be said that there was much, if anything new in the way of evidence as showing that lower rate basis was justifiable at the present on the line in question, the urgent submissions as to the effect of the rate increases has caused the matter to stand for further consideration. Further consideration, however, in view of the fact that no change for the better in the condition of the line in question has been shown as compared with the date when the original judgment was given simply emphasizes the fact that the increases allowed are still justifiable.

UNITED GRAIN GROWERS, LIMITED, WINNIPEG, MAN., *re* COMPENSATION FOR LOSS ON CAR OF GRAIN, CANADIAN NATIONAL RAILWAYS

This was a complaint of the United Grain Growers, Limited, of Winnipeg, Man., setting forth that the Canadian National Railways had refused compensation for loss occasioned by delivery to the Thunder Bay Elevator at Port Arthur instead of to Paterson's Elevator, as directed in connection with car C.N. 44458, grain ex Deepdale, December 5, 1918, consigned to the United Grain Growers, Limited, Port Arthur, car of C.N.R. Terminal Elevator.

The complainants claimed that they suffered a loss of 6 cents per bushel on 1,083 bushels, total \$64.98. The following were the points on which their contention turned:—

(1) It is alleged that the railway company did not carry out instructions for placing cars and that it should, therefore, be held responsible and pay for its mistakes, as it is unfair that the farmer should be the one to suffer for the railway's negligence.

(2) It is contended that section 8 of the Grain Bill of Lading is not a defence for the railway on the facts herein involved.

(3) It is alleged that the railway company received the necessary switching instructions in ample time, but through the railway's error caused by its own "culpable negligence," delivered the cars otherwise than ordered by the applicant.

(4) It is contended that instead of the movement concerned being a diversion it really came under the switching arrangement.

(5) Application is made that instruction be issued to the Canadian Northern Railway to refund the amount involved.

(6) It is stated that if the Board has no power to direct such a refund by the railway then it is asked that the Board should rule whether or not the matter should have been properly classed as a diversion or a switching arrangement.

The railway company's statement set forth its contention as to legal obligations. It was held that the Board had no power under the Railway Act, to direct refunds, and that the application as presented was, in effect, one asking for a ruling that the railway company had been negligent; that was to say, the Board was being asked to pass upon the liability of the railway. It was further noted that as had frequently been pointed out, the powers of the Board while very general in their scope, must be dealt with as found within the four corners of the Railway Act, and it has also been pointed out in many rulings of the Board, that no jurisdiction is given it to deal with loss and damage claims. It was further pointed out that the Board has no authority to pass upon the question of liability either as bearing upon the matter of loss or damage or as bearing upon a bare statement of liability which may or may not be used as a basis for further action; that the remedy where the matter of loss or damage is concerned, must, if the parties are unable to satisfactorily adjust it, be sought by action in a court of competent jurisdiction. Consequently, the Board had no power to grant the relief asked for.

The facts are fully set out in the judgment of Assistant Chief Commissioner McLean, dated January 12, 1920, concurred in by Chief Commissioner Carvell and Mr. Commissioner Rutherford. 26, Can. Ry. Cas., 26.

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GRAND RIVER RAILWAY COMPANY. DIVERSION LINE, TOWNSHIP OF WATERLOO AND CITY OF KITCHENER, ONT.

This was an application of the Grand Trunk Railway Company for approval of a location plan filed with this Board, the object being to divert the location of a portion of their railway through the city of Kitchener, and was heard by the Board at Hamilton on the 29th day of October last, at which the city of Kitchener and the Hydro-Electric Commission of Ontario were represented by counsel as well as the applicants.

It appeared that the applicant company was the successor to the Berlin, Waterloo and Lake Huron Company, which was an amalgamation of two other companies created by legislation of the province of Ontario, and which by the provisions of C. 85 of the Statutes of Canada, 1919, became entirely under the jurisdiction of this Board, and that the Board was the only tribunal having the authority to approve or dismiss the application.

At the hearing of the application, it appeared that the opposition came from the Hydro-Electric Commission, rather than from the city of Kitchener, the contention being that the Hydro-Electric Commission had a prior location by reason of a general scheme entered into as far back as 1916 for building an electric railway from Toronto to London; that the Hydro-Electric Commission by reason of this general scheme, contend that they had a prior location over Cedar Grove avenue, which instead of running along the general line north of the Grand Trunk, runs directly from the Grand Trunk north to King street.

The facts are fully set out in the judgment of Chief Commissioner Carvell, dated January 17, 1920, concurred in by Mr. Commissioner Boyce, holding that it was unnecessary to enter into the question at present as to what amounts to priority in location, and that the Hydro-Election Commission had done nothing to prepare the plan referred to, whereas the applicant company actually had on the ground, the rails and ties, and was awaiting permission of the Board to commence construction, and that, therefore, the application should be granted subject to all the rights which the city of Kitchener possessed as to protection of Cedar Grove avenue crossing, as well as all other public streets, which the right of way should cross in completing proposed diversion.

CONSOLIDATED GAS, ELECTRIC LIGHT AND POWER COMPANY OF BALTIMORE, MD., *re* RATES ON BOG IRON ORE.

Judgment of Assistant Chief Commissioner McLean, dated January 19, 1920. Concurred in by Deputy Chief Commissioner Nantel and Commissioners Goodeve and Rutherford. 26, Can. Ry. Cas., 11.

Application was made in the following terms:—

“The Consolidated Gas, Electric Light and Power Company of Baltimore, State of Maryland, United States of America, hereby applies to the Board for an order and reparation under sections 317-318 of the Railway Act in conformity with the facts hereinafter set forth.

“The complaint of the above named complainant respectfully shows:—

“1. THAT the Consolidated Gas, Electric Light and Power Company of Baltimore is a corporation incorporated under the laws of the State of Maryland, United States of America, and said corporation is engaged in the manufacture, distribution and sale of gas and electricity for illuminating, power and heating purposes.

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"2. THAT the defendants above named are common carriers engaged in the transportation of passengers and property, wholly by railroad, between points in the Dominion of Canada and points in the United States of America.

"3. THAT the above named complainant uses approximately six thousand tons of bog iron ore annually in connection with the purification of gas, and that for the past two years said ore has been obtained from Point du Lac, province of Quebec, Dominion of Canada.

"4. THAT pursuant to complainant's application, the Canadian Pacific Railway Company, connecting lines concurring, published, effective February 4, 1918, in Supplement number fifteen, Canadian Pacific Railway Company tariff E. 2946, C.R.C. E 3281, I.C.C. E. 1939, commodity rate of 20 cents per 100 pounds applying on bog iron ore, in carloads, minimum weight 60,000 pounds, from Three Rivers, province of Quebec, Dominion of Canada, to Baltimore, State of Maryland, United States of America, for routing via Canadian Pacific Railway Company to Prescott, Ontario, thence via Canadian Pacific Car and Passenger Transfer Company to Ogdensburg, New York, thence via New York Central Railroad to Newberry Junction, Pennsylvania, thence via Baltimore and Ohio Railroad to Baltimore, Maryland. By virtue of the intermediate clause in the tariff said rate was applicable on bog iron ore from Point du Lac, Quebec, to Baltimore, Maryland. Said rate was re-published in Canadian Pacific Railway Company tariff E 3183, C.R.C. E 3495, I.C.C. E 2028 applicable on bog iron ore from Red Hill, Quebec, to Baltimore, Maryland, applying via the same route subject to the intermediate clause in the tariff permitting application of said rate on bog iron ore from Three Rivers and Point du Lac, Quebec, to Baltimore, Maryland. Last named tariff is still in effect.

"5. THAT, effective June 25, 1918, the Board of Railway Commissioners for Canada, by Special Permission Number 76, authorized Canadian railroads to increase freight rates from points in the Dominion of Canada to points in the United States to the same extent as those in the reverse direction ordered by the McAdoo Award known as the United States Railroad Administration General Order Number 28. Said orders provided a specific increase of 30 cents per net ton on iron ore. Rates on other commodities not specifically provided for were increased 25 per centum.

"6. THAT notwithstanding the fact that the said orders provided a specific increase of 30 cents per net ton on iron ores, the defendants did not apply such increase of 30 cents per net ton on bog iron ore, but illegally and unjustly have applied the general increase of 25 per centum, thereby making the present rate 25 cents per 100 pounds from Red Hill, Quebec, to Baltimore, Maryland, instead of 21½ cents per 100 pounds, as authorized by the said United States General Order Number 28 and Canadian Special Permission Number 76. Said increase of 25 per centum was published in Special Supplement Number 1 to Canadian Pacific Railway Company's Tariff E 3183, C.R.C. E 3495 I.C.C. E 2028.

"7. THAT the defendants have alleged as an excuse for their said illegal act the pretension that bog iron ore is not an iron ore and that it is not used as iron ore.

"8. THAT, in fact, bog iron ore is an iron ore contemplated in the increase of rates on iron ores provided for by the aforementioned Special Permission Number 76 and General Order Number 28, wherein iron ores are referred to in the plural.

"9. THAT bog iron ore is a variety of iron ore called limonite and limonite is the commonest form of iron ore. (See Geological Survey of Canada, 1909, page 94; Butler's Hand Book of Minerals, page 102; Proceedings of the Canadian Mining Institution, 1912, at page 241).

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"10. THAT the ultimate use to which a product is put is not a matter which would justify the carrier in making a tariff contrary to the order of the Board.

"11. THAT the carrier has no interest in the uses to which commodities transported by it shall be put in order to enjoy a transportation rate.

"12. THAT since June 25, 1918, 14,203,986 pounds of bog iron ore have been shipped to complainant from Point du Lac, Quebec, on which complainant has been compelled to pay, and has paid under protest, freight charges, based on the rate of 25 cents per 100 pounds, and by reason of the application of the said rate of 25 cents per 100 pounds instead of the rate of 21½ cents per 100 pounds, complainant has suffered loss and damage to the extent of \$4,971.39.

"13. That complainant will in future require further large shipments of bog iron ore from Point du Lac and other points in the province of Quebec.

"14. That by reason of the facts hereinabove alleged, complainant has been subjected to the payment of rates for transportation which were when exacted, and still are, unjustly discriminatory in violation of Sections 317-318 of the Canadian Railway Act.

"Wherefore complainant prays that an Order do issue restraining the defendants from exacting the said rate of 25 cents per 100 pounds on bog iron ore from Point du Lac, Quebec, and other points to which the said rate now applies, to Baltimore, Maryland, and requiring them to substitute therefor the legal and authorized rate of 21½ cents per 100 pounds for the said commodity between the said points."

At the hearing, counsel for the applicant said the application was for an interpretation of the McAdoo Order on bog iron ore. It was set out that the Board's Special Permission No. 76 made provision that the order was to be reciprocal. The contention of the applicant was that his commodity came under the list of commodities enumerated in the McAdoo Order. It was pointed out that on page 6, section 2, of that order, it was provided that certain articles should be increased by the amount set opposite each. Reference was made to the fact that there was provision for 30 cents per net ton of 2,000 pounds on iron ores. It was set out that bog iron ore shipped from points near Three Rivers to Baltimore was concerned in the present application. The contention was made that this commodity should have been included under iron ores, thus being subject to an increase of 30 cents per net ton, while as a matter of fact it had been put under the general increase of 25 per cent, which had the effect of increasing the rate from 20 cents per 100 pounds to 25 cents.

The contention of the railway was that bog iron ore was carried as a special item entirely distinct from ordinary iron ore.

The question was raised as to the bog iron ore being used for different purposes than those arising in connection with iron ores as ordinarily referred to. The railway pointed out that there was a difference in use. The answer made by counsel for applicant was that the ultimate use to which the article is put is not a matter of concern to the railway.

Representation was made by counsel for the Canadian Pacific that the rate as charged was in accordance with the practice as approved and the interpretation as given by the United States Railroad Administration. The following excerpt from the evidence is pertinent:—

"Mr. FLINTOFT: When the matter arose in the summer of 1918, Mr. Macdonnell had our attorney at Washington communicate with the United States Railroad Administration, drawing attention to the fact that the rates on iron pyrites had been advanced the full 25 per cent, and that we had a deposit of bog iron ore on our rails that was moving to Baltimore, and asked him to

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enquire from the United States Railroad Administration as to whether it should be treated as an iron ore under the general item, or whether it should be treated specially and subjected to the 25 per cent advance. The reply was, having submitted the matter to the Railroad Administration, they advised him that his understanding of the rates was correct, and that has been confirmed by more recent communications with Mr. Campbell of the Eastern Freight Traffic Committee of the United States Railroad Administration, in reply to enquiries from Mr. Ransom who confirmed the understanding that this should be treated separately from the ordinary iron ore for smelting purposes."

It was further stated by counsel for the Canadian Pacific Railway Company that this railway was in the unfortunate situation that the United States Railroad Administration made the rates, and that this organization in interpreting its own action refused to join in anything less than a 25 per cent advance.

In the course of the hearing, at pp. 8406, 8407, the following remarks were made by the Chief Commissioner:—

"The CHIEF COMMISSIONER: On the face of it, one would think this complaint ought to be given effect to. But the underlying and the real intent of the order was, as the complainant states, to adopt absolutely in Canada the advances the railways obtained, as nearly as might be, under the McAdoo Order.

"We have not before us tariffs one way or the other which would show whether Mr. McAdoo, in interpreting his own order (and he is the man who should interpret it) treats bog iron ore in the same way as ordinary iron ore, or whether he thinks the definition "bog" as against ordinary iron is such a distinction as should remove it from the iron ore clauses or not. Apparently bog iron has taken a higher classification than ordinary iron. On the other hand, there are lots of ores—and it well may be that the use of the word "iron" by Mr. McAdoo in his order was for the purpose of covering all iron ore movements, never mind what their classification might be, whether pyrites, bog iron, oxide of iron or anything else.

"If this case turns entirely upon the question of the American tariffs, as no tariff has been filed here, the Board will have to find out for itself what tariffs have been filed in American territory.

Apart from such action on the part of the American authorities, I would have said the complaint is well founded."

Since the hearing, written submissions have been made by the parties bearing on the interpretation of the provisions of the McAdoo Order as affecting the commodity in question. As showing the contradictory nature of what has been submitted, reference may be made to the following extract from a communication from applicant's solicitors:—

"After exhaustive inquiry, we have been unable to find any American decision on the point raised at the argument.

"We are instructed that Mr. Williams, the assistant secretary of the Eastern Traffic Committee of New York, advised the manager of the Consolidated Company's Traffic Department that the committee was of the opinion that the Consolidated Company's contention was sound and that bog iron ore should only be subjected to the 30 cents per ton increase but it was the practice of the Committee to follow the decision of the Canadian authorities on traffic originating in Canada."

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Apparently there has been some misunderstanding as to the position taken by the Mr. Williams referred to in the preceding extract, for the following letter is filed with the Board:—

CANADIAN FREIGHT ASSOCIATION

MONTREAL, QUE., August 7, 1918.

File No. 1128.

Mr. H. E. MACDONNELL, A.F.T.M.,
C.P.R., Montreal

DEAR SIR,—

Bog Iron Ore—Canada to U.S. Points

“In reference to our conversation at meeting on the 5th. Attached hereto you will find copy of letter from Mr. Ziegler, Traffic Manager of the Consolidated Gas, Electric Light and Power Company of Baltimore, dated July 23, addressed to Mr. Campbell of the Eastern Freight Traffic Committee. For your information I quote from Mr. Campbell's letter of July 28, in connection therewith:

‘In letter of July 23, the statement that the writer had intimated that our Committee was convinced that their contentions were sound and well founded, is incorrect. No such intimation was made.’

Yours truly,

G. C. RANSOM,
Chairman.

“Further, as bearing on the contradictory statements submitted, the submission of the Canadian Pacific Railway Company is as follows:—

“I find that on the request of our Mr. H. E. Macdonnell, Mr. George F. Snyder, our Attorney at Washington, has made enquiry of the Railroad Administration as to its interpretation of General Order No. 28, and for the Board's information I enclose copies of the correspondence which has taken place.

“As to the nature of the commodity, the following extract from a letter from Mr. Ben Campbell, Chairman of the Eastern Freight Traffic Committee of the Federal Controlled Lines, New York, to Mr. Ransom of the Canadian Freight Association of July 2, 1919, will be of interest:

‘Bog Iron Ore, although called an ore, is, in fact, *not an ore*. It is called an ore for the reason that it has a very slight available metallic content. It is principally obtained from the hills in Canada, from which it is shovelled up and is used almost exclusively as a gas purifying agent. It can, however, be refined to make a mineral paint. This paint is, however, of a very low grade.

From the above, it would appear that Bog Iron Ore does not compete with the ores which are reduced for their metallic content, and it would also appear that Bog Iron Ore is of somewhat lower value than ores which are used for their metallic content.

“That the United States Railroad Administration does make a distinction between iron ores used for smelting purposes and those used for other purposes is clear from the fact that the rate for iron pyrites, which is a well known iron ore, was increased 25 per cent and not 30 cents per ton. I enclose a copy of the tariff giving effect to this increase (I.C.C., N.Y.C. No. 9440) and of the cancelled tariff (I.C.C., N.Y.C., No. 7023).

“Seeing that the United States Railroad Administration has given an interpretation of the Order confirming this company's attitude, the matter should now be beyond doubt.”

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The letter as above set out is in reply to and comment on a copy of the letter of the Secretary of the Interstate Commerce Commission, to which reference is made below.

Prior to the correspondence from the Canadian Pacific Railway Company, as above set out, the Board, with a view to obtaining exact information on the contentious question involved, under date of July 10, 1919, sent the following letter to the secretary of the Interstate Commerce Commission:—

“General Order No. 28 of the Director General, U.S.R.R. Administration, increased the rates on iron ores (note the plural) by 30 cents per net ton. Special Permission No. 76 of this commission followed authorizing the application of the increases of the McAdoo Order on international traffic in the reverse direction from Canada.

“Bog iron ore is shipped in considerable quantities from the province of Quebec to United States destinations, and the carriers on this side have given effect to their interpretation of the order by increasing the bog iron ore rates by 25 per cent, and complaint having been made, the contention is advanced by the carriers that the specific increase of 30 cents per ton was intended by the order to apply only to ores for smelting, the bog variety being used for other purposes.

“Will you be good enough to inform me whether the question has come before your Commission, or has arisen in another way, and, if so, what decision has been made? Will you also inform me whether bog iron ore rates between points in the United States, filed with your Commission, carry the general advance of 25 per cent, or the specific advance of 30 cents per net ton? The Board's information is that bog iron ore deposits are being worked in your country, and understands that the material moves particularly from some of the southern States.”

A reply was duly received, the material points of which are as follows:—

(a) That as the question involved an interpretation of an order of the Director General, it would be more appropriate for the Railroad Administration to interpret the order, at least as a primary matter.

(b) That, generally speaking, the tariffs published by carriers in the United States do not specifically name rates on bog iron.

(c) The Mineral Research section of the Department of the Interior advises that bog iron is properly classified as brown ore, commonly known as limonite.

(d) It was stated that advice was given to the commission by a member of the Traffic Section of the Railroad Administration that it was not aware of any tariffs which limited the increase of 30 cents per ton on iron ore to ores for smelting purposes only, and that, in terms of this information, the rates on iron ore were apparently increased by Order No. 28 to 30 cents per ton, without regard to the use of the ore.

Under date of August 23, 1919, the Board received the following letter from applicant's solicitors:—

“With further reference to the above matter, we are instructed that the United States Railroad Administration follows the decision of the Canadian authorities in applying rates on shipments to points in the United States, which originate in Canada. They will therefore apply either the general increase of 25 per cent or the specific increase of 30 cents per ton to the rate on bog iron ore, according to the decision of the Canadian authorities. The Canadian Freight Association states that it is not prepared to take any action in the matter pending the disposition of it by the Board.

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"The writer understood at the hearing that the Board would issue the order prayed for, i.e., that bog iron ore be subjected to the rate increase on other iron ore, which is 30 cents per net ton unless the United States Railroad Administration had previously decided otherwise."

The understanding of the writer, as set out, that the rate was to be 30 cents per net ton, unless the United States Railroad Administration had previously decided otherwise, was not in strict accordance with the discussion which took place. By reference to the interim judgment, set out in an earlier connection, the matter stood until the Board was satisfied as to what had in fact been the arrangement adopted under the United States tariffs on the same article.

In reply to this the applicant's solicitors were advised under date of September 11, 1919, as follows:—

"Referring to your letter of the 27th August, I am directed to state that at the hearing of this matter on the 8th of July last it was pointed out by the Chief Commissioner that there was involved the question of tariff practice by the United States Railroad Administration, and the construction by that administration of the question whether bog iron ore was properly given the same rate as iron ores or whether it was properly placed under another rate; and it was pointed out that it would be necessary to obtain information on this point. The Board took the matter up with the United States rate authorities, but the information so far received is not conclusive. Representations are before the Board both from the railway and the applicant as to the position taken by the United States Railroad Administration in the matter. The representations so filed are contradictory; and the Board is endeavouring to obtain a final and definite statement as to the practice and construction. The matter will be dealt with as soon as this is received."

In reply to a letter to the Director of the Division of Traffic of the United States Railroad Administration, setting out the same material as was contained in the letter to the Secretary of the Interstate Commerce Commission, the Board was advised, under date of September 26, by Mr. Chambers, the Director of the Division of Traffic of the Railroad Administration, as follows:—

"I beg to advise that it was not our intent when issuing General Order 28 to apply the flat increase of 30 cents per ton to mineral products other than the ores commonly used by furnaces for making iron.

"We have never made any definite ruling on this subject and are without information as to how the rates on bog iron ore or bog ore were advanced, but believe it is described in most of the tariffs as bog ore and that the rates were advanced 25 per cent.

Under date of October 6, applicant's solicitors asked for a resume of the contentions of the Canadian Pacific as to the position taken by the United States Railroad Administration in the matter. This was supplied.

Supplementary matter was submitted by the applicant's solicitors under date of November 12, 1919.

As bearing on the definition of bog iron ore, a letter was submitted from the Acting Director of the United States Geological Survey, the material portion of which is as follows:—

"Bog ore is a form of brown iron ore, or hydrous iron oxide, and in the canvass of the Geological Survey for statistics of iron ore no attempt is made to secure data relating to bog ore except by the general class of brown ore.

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It is, therefore, not possible to state the extent of the mining and use of bog iron ore. However, if it is found sufficiently pure it is usable as a source of iron.

"You are probably aware that a porous variety of limonite (brown iron ore, including bog ore) is used in the purification of illuminating gas."

As to the use of bog iron ore in smelting, a letter was submitted from Penniman & Browne, Analytical and Consulting Chemists, Baltimore, which, after giving some information as to iron pyrites, sets out the following paragraph regarding bog iron ore:—

"Bog iron ore is the material used in charcoal furnaces on account of its freedom from objectionable impurities. In large operations, it is not used on account of the expense and difficulty in obtaining it in sufficient quantity and because it is too soft to stand the heavy burden of the modern large furnace using coke."

There were also submitted copies of various schedules of tariffs filed with the Interstate Commerce Commission, these being certified by the Secretary of the Interstate Commerce Commission, under the seal of said commission, to be true and correct extracts from the schedules.

In summary, these may be said to cover information as to five tariffs of the Louisville and Nashville, covering rates on brown ore on intrastate movements in Alabama. The originating points shown are Champion, Ida, Jenifer, Mountain Crook, Mount Pinson, and Fort Deposit; the destination points are Alabama City, Attalla, Birmingham, North Birmingham, and Thomas.

Extracts from the Southern Railway System mineral-ore tariffs are filed. The rates in question are both intrastate and interstate. The tariffs quote rates on iron ore, but I find no reference in the extracts as given to brown ore. Extracts from the tariffs of the Alabama Great Southern Railroad quoting rates on intrastate movements in Alabama are also filed. Here again, while rates on iron ore are given, I find no reference to brown ore.

There are also filled certain schedules which are signed by the Secretary of the Alabama Public Service Commission and certified under the seal of that commission as showing the C.L. rates in Alabama as specified in the exhibits. Rates on brown ore are shown between the same originating and destination points as are set out in connection with the Louisville and Nashville points above.

Details of the tariff authorities concerned not having been supplied to the Canadian Pacific Railway Company by the applicant's solicitors, request was made to the Board by the Canadian Pacific Railway Company to have these furnished. This was done, the Board under date of November 28, 1919, writing as follows:—

"I have yours of the 19th instant and have made a copy of the extracts from the tariffs certified by the secretary, Interstate Commerce Commission, and the secretary of the Alabama Public Service Commission, which I enclose herewith, and which give the tariff authorities for the statement that bog iron ore is being listed in the tariffs of the railroads operating in the district of the United States where bog iron ore is mined as brown ore."

Under date of January 9, 1920, the Canadian Pacific Railway Company replied as follows:—

"Referring to yours of the 31st ultimo.

"I have now had the tariffs which you sent me checked over. Where iron ore is mentioned, there is, of course, nothing further to be said with regard to

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the increase of 30 cents per ton, which, it is acknowledged, is the increase authorized on that commodity by the U.S.R.A. General Order No. 28.

"Wherever in these tariffs brown ore is mentioned, the increase is also 30 cents per ton, and the question is, therefore, whether this "brown ore" is the same as what we described as "bog iron ore" shipped from Point du Lac or Red Mill, Quebec, to Baltimore, Maryland. Our officials have enquired of the traffic officials of the Southern Railway at Birmingham, and are advised that the iron ore described as brown ore in these tariffs moving to Alabama, Tennessee and Kentucky smelting points is a smelting ore pure and simple and is not used for any other purpose, and the traffic officials of the Louisville and Nashville Railway state that no such commodity as bog ore is known in their territory. It is at the same time well known that bog iron ore from Point du Lac or Red Mill is shipped to various destinations in the United States, not for smelting purposes, but for purifying purposes, and in some cases both to United States points and to Canadian points for paint making purposes.

"As regards Mr. Mathewson's statement in paragraph 5 of his letter to you of the 12th November, that bog iron ore is used extensively for smelting purposes at Three Rivers among other places, our investigation shows that not one ton of Red Mill or Point du Lac ore is shipped to Three Rivers for smelting purposes, nor can we trace any such shipments having been made for years, our enquiries having gone back as far as twelve years ago.

"I wish to add that we have checked up shipments of crude bog iron ore moving to the United States points from January 1 to July 7 of this year, and find that, to the following points, carloads, as enumerated, have been shipped under the regular sixth class rates without our having received a complaint, which sixth class rates had been increased automatically 25 per cent under U.S.R.A. General Order No. 28:—

To	No. of Cars.
Philadelphia, Pa.	1
Chester, Pa.	6
Harbour Junction, R.I.	3
Westfield, Mass.	1
Soo, Mich.	1
Augusta, Me.	1
Weber, Ill.	2
DeKalb, Ill.	1
Washington, D.C.	3
Milwaukee, Wis.	1

During the same period ten cars had been shipped to Baltimore, Md.

"Furthermore, in order to stimulate shipments of bog ore to United States points for purifying purposes, we, in some cases, applied to our American connections to be allowed to adopt on this class of business 83.33 per cent of the sixth class rate, and this they consented to in the case of shipments to Baltimore and five other points. (See Item 265 C.P.R. Tariff E-3183, C.R.C. 3495, page 28). It is, therefore, quite obvious that in order to maintain the relationship the present rate should be 83.33 per cent of the present sixth class, which naturally and automatically was advanced the full 25 per cent according to General Order No. 28. If, at the present time, an application were made for a reduced rate for any reason whatever, our American connections would not consent to anything lower than 83.33 per cent of the present sixth class rate.

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"In conclusion, I would repeat that we cannot find any bog iron ore moving between points in the United States under commodity rates. If there is a movement between such points, it would be only under the proper class rates advanced 25 per cent.

"As I have already stated to the Board, the bog iron ore from Point du Lac and Red Mill is used for clarifying illuminating gas and may be used for paint-making purposes, and is not a smelting ore at all.

"I submit that this is really the controlling consideration, and that on this ground the complaint should be dismissed.

Summarizing the material which has been set out at length, the following conclusions are available:—

(1) Apparently bog iron ore is not separately listed.

(2) Scientific authorities regard brown ore as being an inclusive term covering bog iron ore and other iron ores not specified.

(3) There is nothing before the Board showing conclusively that bog iron ore has actually moved under the brown ore rate.

(4) Reference has been made to the bog iron ore as moving in the southern portions of the United States. The Southern Classification has no reference either to brown ore or to bog iron ore.

(5) The informal understanding of the Secretary of the Interstate Commerce Commission, as already referred to, is that apparently the increase of 30 cents per ton was not dependent upon the uses of the ore.

(6) On the other hand, the general opinion of the Traffic Director of the United States Railroad Administration is that it was not the intention to have the increase of 30 cents per ton apply on mineral products other than to ores commonly used by furnaces for making iron; and there is, further, an expression of understanding that the rates on bog ore were advanced 25 per cent.

(7) The supplementary submissions of applicant's solicitors do not show that bog iron ore has moved or is moving in the United States on the brown ore rates.

(8) As set out in the letter of the Canadian Pacific, the responsible traffic officials of the railroads concerned set out, in the one case, that the brown ore referred to is a smelting ore, pure and simple, and is not used for any other purpose (in this connection the statement of Penniman & Browne, already referred to, may be borne in mind); and, in the other case, that no such commodity as bog ore is known in their territory.

In accordance with the position set out in the interim judgment, a full endeavour has been made to ascertain the intention as embodied in tariffs. The Board has received much information which is so contradictory that it is not possible to form a conclusion as to what the real intention was. The obtaining of further written submissions would, apparently, only add to the mass of contradictory statements which has accumulated.

In a matter of international rates, the jurisdiction of the Board begins at the international boundary on the movement into Canada and ends there on the movement out of Canada. This is a well-established proposition.

Continental, Prairie and Winnipeg Oil Cos., v. Canadian Pacific Ry. Co., et al,
13 Can. Ry. Cas., 156, at p. 161.

Essex Terminal Ry. Co. v. G.T., M.C., Wabash & New York Central Ry. Cos.,
22 Can. Ry. Cas., 301, at p. 305.

At the same time, "as a matter of practice, the Board in the past has dealt with international joint tariffs having regard to the outward movement only, and, speaking generally, has not interfered in any way with any tariff properly filed under American

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practice applying to the joint movement into Canada. The result is that a situation which otherwise might have presented difficulties has worked out along satisfactory lines and without friction." *Essex Terminal Ry. Co., etc., ut supra, p. 304.*

The Interstate Commerce Commission in *I. & S. Docket No. 1155, Heated Car Service Regulations, 50 I.C.C., 620*, made reference in the examiner's report as to the United States jurisdiction terminating at the international boundary, and he so held in the matter involved. Reference may be made to *Black Horse Tobacco v. I.C.R. Co., 17 I.C.C. 588*; *Ernery & Co. v. B. & M.R.R., 38 I.C.C., 636*. In dealing with the question of international rate practice, Commissioner Harlan, who wrote the judgment which was accepted by the commission, said at p. 622:—

"For some years joint through rates from Canadian points to interior domestic points have been regarded as being within the general control of the Canadian Commission, while joint rates from domestic points to interior Canadian points are left under the general control of this Commission. The origin and scope of this understanding between the two commissions is explained in "*International Paper Co. v. D. & H. Co., 33 I.C.C., 270*. It is also referred to in *Rates on High Explosives to G.T. Ry. System Stations, 33 I.C.C., 567*, and was followed in *Aetna Powder Co. v. Wabash R.R. Co., 39 I.C.C., 199*. It has proved to be an efficient working arrangement and will not be departed from by this commission on light grounds, although we have felt it necessary to point out that our jurisdiction extends to the service of our domestic lines performed within the United States and to the charges therefor, and that where circumstances seem to make such a course necessary we would require the domestic carrier to withdraw from participation in joint through rates to and from Canadian interior points and to establish a local or proportional rate to and from the border."

It will be noted that while in agreeing in the practice, the Interstate Commerce Commission in no way recedes from the position that as a matter of jurisdiction its power to regulate the United States' portion of the rate is absolute; and it has, in fact, from time to time so acted notwithstanding the informal *modus vivendi* above referred to.

The distance from Red Mill, where the shipment originates, to Baltimore is 651 miles. The movement is over the Canadian Pacific and three American lines—the N.Y.C., P. & R., and B. & C. The haul on the Canadian Pacific is 34.5 per cent of the total mileage involved.

The jurisdiction of the Interstate Commerce Commission over the haul within the United States is undoubted. What is involved is the determination of the meaning and application of a United States tariff basis, which, as a matter of reciprocity, has been made applicable on the movement from Canada to the United States. The preponderance of United States mileage is such, on the movement in question, that the United States railways interested in two-thirds of the mileage movement are concerned in the question of what is the proper scope and intent of the tariff basis concerned.

I am of the opinion that the applicants should be referred to the United States jurisdiction for their appropriate finding and remedy within that jurisdiction. Thereafter, the matter as affecting the Canadian Pacific, may, if any further action by way of finding any remedy is necessary, be developed before this Board on written submissions. If such further application should be made, the submissions, if any, so made, will be considered in connection with the existing record.

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CANADIAN MANUFACTURERS' ASSOCIATION RE AVERAGE DEMURRAGE AS EXTENSION TO CANADIAN
CAR SERVICE RULES

*Judgment of Assistant Chief Commissioner McLean, dated January 26, 1920. Con-
curred in by Chief Commissioner Carvell, and Commissioners Boyce, Goodeve
and Rutherford. 25, Can. Ry. Cas., 386.*

I

Application is made for average demurrage. More specifically it is set out that the demurrage on all cars held for loading or unloading shall be computed on the basis of the average time of detention to all cars released during each calendar month. The method of computation outlined is that a credit of one day shall be allowed for each car released within the first twenty-four hours of free time. A debit of one day shall be charged for each twenty-four hours, or fraction thereof, that a car is detained beyond the first forty-eight hours of free time. Not more than one day's credit is to be allowed on any one car, and in no case is more than five days' credit to be applied in cancellation of debits accruing on any one car, thus making a maximum of seven days, including Sundays and holidays, that any car may be held free.

At the end of the calendar month, the total number of days credited will be deducted from the total number of days debited, and the demurrage charge per day charged on the remainder. If the credits equal or exceed the debits, no charge is to be made for the detention of the cars, and no payment is to be made to the consignor or consignee in respect of such excess of credits. Credits in excess of debits of any one month are not to be considered in computing the average detention for another month.

Those taking advantage of the average plan are to forego the advantages of the weather and of the bunching rules.

A consignor or consignee taking advantage of the average plan may be required to give sufficient security to the carrier for the payment of balances due by him at the end of each month.

The question was also gone into in connection with the amendment of the Canadian Car Demurrage Rules which was made on July 28, 1917, effective by order on August 20, 1917. In the decision in that case, reference was made to the various submissions bearing upon average demurrage, and it was stated in the judgment that the Board would endeavour to ascertain whether average demurrage had worked a real benefit in places where it had been tried, it being at the same time stated that from the best information had at the previous hearings the contrary was the case.

In re Car Demurrage Rules, 24 Can. Ry. Cas., 180, at p. 196

Under date of June 16, 1919, on direction, a letter was issued by the Board setting out that in view of the many changes which have taken place in railway matters since the judgment on the Demurrage Rules, as above referred to, had issued, the Board was prepared to arrange for a hearing, or hearings, if the parties interested desired to add to the record in the case.

The material received was concerned mostly with opinions on the principle involved, and, in general, the opinion was expressed that the matter might stand for decision on what had been submitted. In general, it does not appear that there is such additional material evidence available in regard to the workings of the system as would justify a further hearing.

The matter as presented may be subdivided into the following headings:—

(a) Whether when the consignor or consignee unloads within the free time allowed by the Demurrage Rules, he has a *right* to apply the difference between the

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free time allowed and the time actually taken as a credit on another car which is not loaded or unloaded within the free time.

(b) The advantage of such proposed system of credits as an incentive to quicker loading or unloading.

(c) The general effect on car movements.

II

As bearing on the question of *right*, which matter, it appears to me is fundamental, some detail references to the notes of hearing are necessary; and it may be pointed out in this connection that reference is also made to earlier applications of the Canadian Retail Coal Association of London, Ont., and the Wallaceburg Sugar Company.

In the Wallaceburg Sugar Company's Case, application was made as regards a particular commodity; in the case of the Canadian Retail Coal Association, the application was also as to particular commodities, coal and coke.

The application of the Wallaceburg Sugar Company was not limited by the use of the adjective "optional." The application of the Canadian Retail Coal Association was. So is the present application as developed; but it does not appear that the adjective "optional" makes any vital difference.

In the application of the Canadian Retail Coal Association, Mr. Hay stated, at p. 2922, volume 124;—

"... when they allow us 72 hours for unloading a car of coal they must of necessity in order to arrive at a proper business basis have figured on the detention of that car. That, I think, is a reasonable and fair proposition. Now then, when that car is placed on our siding we have 72 hours to unload it. We will probably unload the car within the first 24 hours. . . . Inasmuch as we have already paid the railway company for the detention of that car for two days they have not given us any allowance for that dollar we have been fined on the other car" (that is the car held over the 72-hour period), "and that should stand over against the time that is to our credit."

In the same case, at p. 2959, Mr. Hay said: "We were applying for a principle we thing fair and that should be carried out."

At the hearing in Ottawa, the following discussion took place as bearing on the point in question, volume 179, pp. 4576-4578:—

"Commissioner McLEAN: Is it your position, Mr. Walsh, that a shipper has a right to hold a car for the free time?"

"Mr. WALSH: Absolutely not. I have not held that opinion."

"Commissioner McLEAN: Then your position would be that it is the reasonable maximum time allowed for unloading?"

"Mr. WALSH: I have always held this position. I have advocated it in our paper and through circulars to our members, that 48 hours or 72 hours was the maximum time allowed, but it was not expected they should take that time to unload equipment. When they do that they are depriving themselves of a proper facility, and they are depriving somebody else. But we think it is a reasonable time to allow in case of emergency or of accident. I think it would be fair to say this, that the people I represent are not laying themselves out to delay cars or to take advantage of the free time; their purpose is to unload as quickly as they can and get the cars to load up again. As I say, and I want to repeat, our people realize that. Our manufacturers hold that cars are for the purpose of transporting freight from one point to another, that they are not for storage purposes, and we try to the best of our ability to unload as rapidly as possible. But we have got to have the conditions. they must be favourable."

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"Commissioner McLEAN: Following that, if the free time simply represents the maximum reasonable time for unloading, is it quite fair to say that because a man unloads within that time that the portion of the time unused should be applied to another car? That looks at it as a matter of right. He has a right to so much time within the two days. If he is able to unload a car, and have, say, one-half or three-quarters of the day unused, what has that got to do with another car?

"Mr. WALSH: Simply because another car cannot be got at.

"Commissioner McLEAN: But if you say two days is a reasonable time for unloading does it not mean that each car should stand by itself?

"Mr. WALSH: If it could be worked out theoretically perfectly.

"Commissioner McLEAN: Leaving aside theory, is not that your position? I just want to understand your position.

"Mr. WALSH: Possibly that is correct.

"Commissioner McLEAN: I just want to see what your position leads to.

"Mr. WALSH: Yes, but that is not possible.

"Commissioner McLEAN: But either the two days is a right or it is not. If he does not use the two days on one car, he has a right to the unused portion to apply on another car. Either it is that or it is a reasonable maximum time for unloading, and whatever he unloads within that time it stops at that. It is either one position or the other.

"Mr. WALSH: Certainly, if the conditions are ideal. We had a good illustration of it yesterday in connection with the movement of cars.

"Commissioner McLEAN: We have to take one horn of the dilemma. It is either a right or a reasonable maximum. If it is a reasonable maximum it applies on the one car. I may be wrong, but it seems to me that that is a fair conclusion from the discussion.

"Mr. WALSH: That is all."

In supplementary summary and comment in his letter dated October 18, 1913, Mr. Walsh took, in substance, the position that the two days free time referred to had become a *right* by usage. The following extract from his letter is material:—

"At page 4577 Commissioner McLean asked whether the two days' free time allowed was a right or not. It is a right in the sense that common usage has made it so. It has been well established that a receiver of freight is entitled to notice of its arrival and to a reasonable time within which to remove it. It is the same right as he has in respect to less than carload shipments on which he is given 72 to 96 hours, and if the freight moves through the freight sheds the carrier has to provide storage and is liable under the bill of lading conditions as carrier for that length of time.

"As regards carload freight, the carrier does not have to provide such facilities. All that is required to do is to place the car for unloading. The bill of lading conditions determine the liability of the carrier and the length of free time within which the receiver has to remove the goods.

"This point was seized upon by the representatives of the railways and dealt with at some length both by Mr. Beatty and Mr. Biggar at pages 4583 and following and 4605, 4606, and 4607. Both of these gentlemen took the position that the 48 hours, as suggested, was not a right and, therefore, the public was not entitled to it. The Board is familiar with the origin of the rule and it is, therefore, unnecessary for us to enlarge further on the subject except to point out that the records of the Canadian Car Service Bureau show that the public does not as a rule take 48 hours to unload, neither has it ever been contended that cars should be held for that length of time. It is, however, our

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contention, that we have the right in case of necessity to that length of time. We respectfully suggest to the Board that in dealing with this question actual conditions must be taken into consideration. Mr. Biggar dealt entirely with conditions in Great Britain. These are not applicable here. The nature and volume of traffic are entirely different."

The same position is adopted in the correspondence on the Board's files, including the correspondence received in reply to the circular letter of June 16, 1919, already referred to.

The Dominion Sugar Company, in a letter dated January 17, 1916, says that in checking up all cars into their yards the average time for unloading is less than 24 hours, or less than one-half of the free time; and it was submitted that the Company felt that "as though it would be an injustice to ourselves to have each individual car charged for demurrage in view of the fact that hundreds of cars are unloaded within even 12 hours time."

The Canada Crushed Stone Corporation, Limited, made the following query: "If the shipper can save the railway money by the quick loading of cars, why should he not be credited to offset the loss when the railway cannot supply cars promptly?"

The T. H. Taylor Company, Limited, stated they thought it was only fair that the shipper should be allowed something for cars which were unloaded within the free time allowed.

The Algoma Steel Corporation, Limited, stated that it had been paying several thousands of dollars annually for demurrage, and it seemed to said corporation that it should be credited for cars which it returned promptly, that is, before the free time was up.

The Steel Company of Canada, Limited, pointed out that it unloaded a large portion of its cars within the free time. It took the position that it was unfair it should be penalized at a heavy rate for cars taken in excess of the free time when it had "earned money for the railways on so much of their traffic." It expressed the opinion that if the penalty was a fair one for the use of the car, the railway should be willing to grant a credit to the consignee who gives up cars to them in less than the free time.

Without multiplying the citations, the position is, in substance, that the free time for loading or unloading exists as a matter of *right*, and that whatever is done by the consignor or consignee in regard to loading or unloading within the free time is in derogation from his strict rights and is something for which he should receive a credit.

The great majority of cars are, under the existing Demurrage Rules, loaded or unloaded within the free time, there being no incentive such as is argued for to induce extra expedition in loading or unloading, so as to obtain credits thereby. It follows that the loading or unloading within the free time is carried out not with any idea of benefitting the railway, but because the business conditions of the consignor and consignee concerned make it a good business policy to do so.

In analyzing the question of the *right* which it is contended exists, reference may be made to some decisions of the Board. In dealing with the application of the Wallaceburg Sugar Company for average demurrage, which was heard in 1909, the Board used the following language:—

"The 'average system' suggested, in my opinion, is not justifiable under the contractual relations which exists between the consignor or consignee (as the case may be) and the railway company. The contract of carriage is, that the railway company will carry the goods to the point where they are to be unloaded to the consignee, who in turn is to unload and release the car with all reasonable despatch. For more certainty and uniformity of practice, rules

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have been adopted which say in effect that 'reasonable despatch' for unloading shall not, in the case under consideration, exceed 48 hours. If a man exceeds this reasonable time in unloading, he is penalized by a charge of \$1 per day for the extra time he may hold the car. Such a provision is in the public interest, because it makes a consignee prompt in releasing cars consigned to him, and thus increases the supply of available cars for the shipping public."

"The intention is that, under the Car Service Rules, each car shall be dealt with by itself and without reference to the movement of other cars. This insures equal treatment of the smaller shipper or consignee with the larger one."

Wallaceburg Sugar Co. v. Canadian Car Service Bureau, 8 Can. Ry. Cas., 332.

At a later date, in dealing with an application of the Canadian Car Service Bureau, the Board used the following language:—

"Car Service Rules constitute a code dealing with the question of average reasonable time for delivery, delays to cars, and penalties for such delays."

Application Canadian Car Service Bureau, for ruling as to apparent conflict in conditions of Bill of Lading and Car Service Rules. File 3678. Board's Orders and Judgments, December 1, 1916, 385, at p. 387.

In the matter of the complaint of the *Wood Coal Company of Brantford, Ont., file 1700, part 2*, and the complaint of the *Barber-Ellis Limited, Brantford, Ont., file 1700.56*, the question of the construction of rule 2 of the then existing Car Service Rules was involved. Under this rule, 24 hours additional free time was allowed for clearance of customs. This was in addition to the 48 hours free time. It was contended in substance, that the whole period of 72 hours was available for the clearance of customs and for unloading. It was held that the clearance of customs must be effected before the car was in a position to be unloaded, and that the time allowed for clearance of customs as compared with the time allowed for unloading must, therefore, be prior; that is to say, the time allowed for clearance of customs stands first on the list, and under the rule the 48 hours for unloading runs from the termination of the time allowed for clearance of customs.

The question of *right* herein involved has been dealt with from time to time in English decisions.

The Lancashire and Yorkshire Railway Company having proposed that on and from the first day of March, 1895, it would levy a charge of sixpence per wagon per day under the title of siding rent, upon all wagons containing coal or coke, and remaining undischarged upon sidings belonging to the railway company for a longer period than four clear days, the matter came before the Railway and Canal Traffic Commission in *Manchester and Northern Counties Federation of Coal Traders' Association, v. Lancashire and Yorkshire Ry. Co., 10 Ry. and Can. Traf. Cas., 127*. The following references to what is set out in the decision are pertinent:—

"The carrier's obligation is to deliver the wagons within a reasonable time."

Ibid, per Collins, J., p. 133.

Carrier's obligations: "All that he undertakes and all he receives consideration for is the carrier's duty, which ends after he has delivered the goods—that is, has put the goods in a position where the trader can take delivery, given him notice of the fact, and left them there for a reasonable time, such as would enable the trader, with ordinary appliances, to get his goods out of the wagon."

Ibid, pp. 133, 134.

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“Termination of Carrier’s liability.—It clearly determined when a reasonable time had elapsed—a time within which, on the principles I have laid down, the trader, acting reasonably, might have taken the coals out of that wagon; and that reasonableness, I think, must be determined, not by reference to the after-use which it would have been convenient for the trader to put that wagon to after the coals had arrived, and he had the opportunity of taking delivery, but with reference to the fact that the carrier’s obligation as an insurer remained up to the expiration of that reasonable time.”

Ibid, p. 134.

The point was raised that the railway must be deemed to have conceded the right to the traders to use these wagons as shops during the four days—that is, during the four days they admit to be covered by the rate.

Collins, J., said:—

“I regard this as trying to fix an extreme limit up to which they are content to bear the obligation of carriers, and to deem it as covered by the rate—and they make it an extreme limit in order to meet the exigencies of the consignee.” *Ibid*. pp. 137, 138.

In *Midland Railway Company vs. Black and others*. 10 Ry & Can. Traf. Cas., 145, the question of average was dealt with by Wright, J., at pp. 148 and 149, as follows:—

“Then Mr. Chitty, on this part of the case as to the charge, raised a point which is of great importance, and, *prima facie*, one which has a great deal in it. He said it cannot be reasonable to pay the company 6d. beyond the four days in cases in which, as in the majority of cases, the bulk of the traffic is unloaded by the traders within four days; so that the company getting the benefit of the accommodation saved by that expedition on the part of the traders as regards something like 90 to 95 per cent of the traffic, it cannot be fair that the company should have that advantage, and also be paid for what happens after the four days, but I do not think such a matter of setoff as that is is competent for us to consider. The trader has no right to the four days. It is not as if he waived anything by unloading within the four days. The trader is bound to discharge in a reasonable time. If it is reasonable for him to discharge in two or three days and he does so, it is no more than his duty and, as Sir Frederick Peel pointed out, after the four days, supposing the four days is the right time, the character of the company is a new and altogether different one. He is now a warehouseman; and how can the amount which he is entitled to charge for warehousing these trucks (warehousing is hardly the right word for it but it conveys what I mean) be affected by the circumstances that he has not been put to all the expense as a carrier or as a conveyer of the traffic to which he might have been subjected?”

The principle of average demurrage was before the Railway and Canal Traffic Association in *North British Ry. Co. v. Coltness Iron Co., Ltd., et al.*, *Caledonian Ry. Co., Coltness Iron Co., Ltd., et al.*, *Glasgow & Southwestern Ry. Co. v. William Reid & Co., Ltd., et al.*, 14 *Railway & Canal Traffic Cases*, 246.

The matter involved came before the Railway and Canal Traffic Commission as arbitrators appointed by the Board of Trade to determine certain differences between them and the defendant in respect of certain charges which applicants claimed to be entitled to under section 5 (4) of the schedule to their several Rates and Charges Order Acts, 1892, on the ground that the defendants had detained wagons belonging to the applicants for an unreasonable length of time.

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It was contended for the defendants that the true view was that if a railway company gets wagons released it does not matter whether they are sent out in order of arrival or otherwise. The decision in this case was given by Lord MacKenzie. It was set out that under section 5, subsection 4, of the schedules of the Act of 1892, the consignor or consignee must have a reasonable time to put traffic in or take traffic out. It was stated that—

“A full margin must be allowed to cover the reasonable maximum time to enable the consignor or consignee to give or take delivery.” (P. 262.)

In dealing with the question of average, the following language was used:—

“It is necessary to refer to an argument used by counsel for the traders in support of what has been called the average principle. This consists in crediting to the trader whatever free time is saved. If over the whole period of a week, or a month as the case may be, it is ascertained that the total free time has not been exceeded by the total number of wagons, then, according to this contention, no demurrage is due. This principle, to my mind, is founded upon a fallacy. A trader is not entitled to keep a wagon for the whole of the free time. His duty is to discharge with all reasonable despatch. If he does this, he does no more than his duty, and is not entitled to credit for the remainder of the free time. This is pointed out in the *Midland Railway v. Black*, by Wright, J.; see also the statement of Collins, J., in *Midland Railway Company v. Sills*. Nor do I think it admissible that the free time allowed both before and after conveyance should be added together, and if the total period is not exceeded that then no demurrage should be due.” (pp. 264, 265.)

The obligation of the carrier under the contract of carriage covers not only transit but also a reasonable time for loading and unloading. Just as the carrier is entitled to a reasonable time in which to deliver, so the recipient of goods is entitled to a reasonable time to demand and receive delivery.

Chapman v. Great Western Ry. Co. Q.B.D., (1879-80) per Cockburn, J., 281.

“At the same time, the consignee cannot for his own convenience, or by his own prolong the heavier liability of the carrier beyond a reasonable time.

When once the consignee has delayed taking away his goods beyond a reasonable time, the obligation of the carrier becomes that of an ordinary bailee, being confined to taking proper care of the goods as a warehouseman; he ceases to be liable in case of accident.” *Ibid.* pp. 281, 282.

Under the Bill of Lading, section 6, it is provided:—

“Goods not removed by the party entitled to receive them within 48 hours (exclusive of legal holidays), or in the case of bonded goods within 72 hours (exclusive of legal holidays), after written notice has been sent or given, may be kept in car, station or place of delivery or warehouse of the carrier, subject to a reasonable charge for storage, and to the carrier’s responsibility as a warehouseman only. . . .”

The situation which arises in respect of liability may be referred to. If in the case of two cars, each of which has 48 hours’ free time, car number one is unloaded in 24 hours while car number two is unloaded in 72 hours, then under the average principle the imputation of 24 hours’ credit to number two enables it to be unloaded without any demurrage penalty; but while from the standpoint of the Demurrage Rules the second car is treated as unloaded in a constructive period of 48 hours, the situation is that it has taken 72 hours’ actual time. Under section 6 of the bill of lading, the carrier would be liable as a warehouseman only after the 48-hour period.

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The proposal to apply a credit to the car detained 72 hours is based on the idea that the 48 hours' free time is a necessary incident of the contract of carriage and that during this period the contract of carriage, with the carrier's liability attaching thereto, continues. But in order to make the credit system applicable the contract of carriage on the car in question must have been completed. The transfer of the credit in effect means the transfer from a commodity which has moved under a contract of carriage with the incidents attaching thereto (and after the contract of carriage has terminated) to another commodity where the contract of carriage has terminated; that is to say, an attempt is made to counter-balance the contract of carriage as a carrier with the contract as a warehouseman.

Dealing with the question as a matter of *right*, the consignor or consignee has a right to such portion of the free time as is actually necessary, with due diligence, to effect the loading or unloading. If he loads or unloads the car within the free time, that is a closed transaction and there is no credit to impute to a car which takes longer than the free time. The free time allowed is a maximum reasonable average. The Board has in various instances, when application has been made to it for extension of the free time on account of the alleged necessity of the consignor or consignee having extra time because of length of road haul or other conditions peculiarly affecting the situation of the consignor or consignee being involved, declined to add to the free time.

III

While it appears that there is no such basis of *right* as is contended for, and while this might properly be taken as closing the matter, it seems proper to consider further the question of whether there are any such conditions in respect of betterment of handling of cars involved as would justify a departure from the principle, which, in my opinion, is a well-established one; that is to say, would practical operating conditions justify the abrogation of the principle?

It is argued that the average demurrage method affords an incentive to a quicker handling of the cars, and that this enures to the advantage of the carrier.

From letters from Mr. Lincoln, Manager of the Traffic Bureau of the Merchants' Association of New York city, which are filed by Mr. Walsh, said letters being dated May 28 and June 9, 1913, the following excerpts are taken:—

“The average agreement, by offering certain incentives to the receivers of freight, and particularly the large receivers, results in the more prompt release of equipment, that credits may be obtained to offset debits where demurrage accrues beyond the control of the receiver. . . .”

“As to the shipper or receiver, I am confident that an opportunity to earn credits for the purpose of offsetting debits is a constant incentive to the shipper to unload his car within 24 hours.”

“The Algoma Steel Corporation contends:—

“Transportation companies benefit by this plan in that they secure the return of equipment promptly, as industries find it an incentive to load and unload and send back the cars as quickly as possible.”

In the evidence of Mr. Hay, already referred to, it was set out at p. 2930, volume 124, that the consignee should, by extension of the credit, be given an incentive to unloading the cars; that this would help the release of cars.

In the evidence given by Mr. Dunn, of the International Harvester Company of Canada, it was contended at p. 4553, volume 179, that it would enable a more economical utilization of labour on the part of the company. It was set out that unloading gangs working on piece-work were used, and that if the unloading of cars were not limited by the date of receipt this would permit a continuous use of the unloading gangs.

This is, in effect, an argument that the average system should be used to offset the labour costs of the industry.

Similar evidence was given by Mr. Champ, of the Steel Company of Canada, at p. 4537, volume 179, to the effect that great effort was lost in locating and unloading cars in order of date.

In a submission made by the Canadian Manufacturers' Association subsequent to the circular letter already referred to, it was stated:—

“It is our view and that of a number of manufacturers vitally interested in the question, that the addition of the average agreement in Canada would assist materially in the prompt handling of cars.”

The Chairman of the Brantford Branch of the Canadian Manufacturers' Association stated that he considered that the theory of average demurrage was correct, as “it gives the manufacturer an opportunity of making a bonus for exceptional service to offset the penalties when delays occur.”

The Peterborough Board of Trade, per the Secretary of its Transportation Committee, used similar language. It said:—

“We agree with the manufacturers that this average agreement appeals to us as being a fair and reasonable way of dealing between the commercial interests and the railways, and that carriers must recognize the fact that to deliver them their rolling stock in less than the free time allowed must represent some compensation for which they should be willing to give reasonable consideration.”

The same position was taken by the Canadian General Electric Company of Peterborough, which considers that the average arrangement would bring about a more economical use of rolling stock, as it carried a compensation for releasing cars within the free time allowed.

The same position is to be found in a submission from the Canada Foundry Company, Limited. Mr. Dunn, in his evidence already referred to, expressed the opinion that the average system would permit releasing of two cars where one was now released.

The references to the evidence above set out show that the idea of an incentive to quicker handling of cars as a result of the credits asked for, predicates the existence of the *right* already referred to, and the comments already made are applicable in this connection.

IV

In addition to what has already been set out, various other advantages are claimed for the system, as follows:—

(a) It will remove the friction arising over the operation of the weather and bunching rules.

(b) It is justified by United States practice and experience.

(c) It is considered as being differentiated from what was dealt with in the *Wallaceburg Sugar Case* in that there is proposed a limitation of credits.

The system is one which enures to the advantage of the large shipper. As bearing on this, various comments from the hearing which took place at Toronto on December 13, 1916, may be referred to. The reference is to volume 259 of the evidence.

At p. 8445, the Chief Commissioner said: “The average demurrage does help out the big shipper.” A discussion took place between Mr. Green, representing the Steel Company of Canada, and the Chief Commissioner, and at p. 8515 the following comment was made by the Chief Commissioner:—

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"As far as the average question is concerned, no doubt it is a good thing for the large plant, because it enables them to keep the cars without paying demurrage."

And on p. 8516, the following discussion took place:—

"Mr. GREEN: The point I was trying to make out was that the railroads admitted at that time that they got just as many cars released—in other words, it was a 50-50 proposition.

"The CHIEF COMMISSIONER: They get no more and no less, but you wouldn't have to pay demurrage, and the small man who couldn't work an average would have to."

A further comment of the ex-Chief Commissioner, "Average demurrage does not help the smaller dealer, and he in turn objects to average demurrage...." may be referred to.

In re Car Demurrage, Rules. XXIV Can. Ry. Cas. 180, at p. 195

It is not claimed by the shippers to be of general applicability.

In a letter submitted by the Canadian General Electric Company, Limited, Peterborough, the following language occurs:—

"There doubtless are several lines of business where the adoption of such a scheme would work out to the advantage of both the public and the transportation company."

Mr. Champ, in his evidence already referred to, says that the existing arrangement is "very unfair to the large shipper."

The following extract from the evidence, volume 274, p. 4794, is pertinent in this connection:—

"The CHIEF COMMISSIONER: Mr. Dunn, how many cars a month would a man have to handle before this was of the slightest practical use to him?

"Mr. DUNN: I cannot conceive that it is of much service to the man who has not from 10 to 20 cars a month; he may gather up 10 to 20 days under the best conditions."

"The CHIEF COMMISSIONER: I only want the fact as you saw it. Your own idea it is not of much use to any one who does not have a business of 20 cars per month. Isn't it really a large-plant facility?

"Mr. DUNN: Well, Mr. Chairman—

"The CHIEF COMMISSIONER: But it is a large-plant facility, is it not?

"Mr. DUNN: I think so.

What has been so earnestly urged is, in reality, a plea for the large shipper. It means, in substance, that the large shipper who, because of his control of capital is able to have superior facilities, is, through a rearrangement of the Demurrage Rules, to obtain therefrom a still further advantage. For example, a coal dealer who has no coal trestle may have to take the full free time allowed, and, in individual cases, may have to exceed it. The coal dealer who has a coal trestle has superior facilities for handling coal. This is some thing which attaches to the scope of his business and the amount of capital he is able to control; and with the equalizing of conditions in this respect it is not the function of the Board to interfere. But, if the large dealer, on account of his superior facilities, is able to unload quickly and to obtain credits therefrom, the result of the system asked for would, in all probability, be to relieve him entirely from demurrage payments, payments which the less favourably situated dealer might be subjected to; and it might be that

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these dealers were competitors in a common area. It would be improper for the Board to attempt to take away from the larger dealer the advantages in point of facilities which his larger volume of business justified and which his greater control of capital permits; but, in dealing with the question of Demurrage Rules, it would be equally improper for the Board to leave out of consideration the effect which might be exercised through this proposed system in weighting the scales against the smaller dealer.

The suggestion that since the arrangement is optional the smaller dealer does not need to use it unless he desires, does not meet the question.

The further suggestion that the matter might be equalized by extending the time so as to take care of the smaller dealer, is to ask that the Board should equalize conditions by discriminating in favour of the smaller dealer. To state such a proposition is to attract attention to the fact that such a condition would not long endure before complaints were received.

In regulative policy in regard to rates, the practice on the North American continent is that the only quantities in railway carriage which it is justifiable to consider are carload quantities and less than carload quantities, and that it is not justifiable for a regulative tribunal to direct or countenance rates predicated upon the handling of trainload quantities. The car of coal to the large dealer must be treated in the same way as the car of coal to the smaller dealer.

The adoption of the system might, and probably would, enable large businesses to carry on their activities without the payment of any demurrage penalties whatever. This, however, is incidental, not fundamental. The fundamental question is, would the system bring about such an expedited releasing of cars as would by adding to the numbers of cars free at a given moment, facilitate the handling of traffic in general, thereby enuring to the advantage of the general shipping and receiving public?

Consider the situation that may arise during the car shortage. Box cars loaded with lumber are moved into a manufacturing plant which is operating under the average system. The cars are given, let it be assumed, the expedited unloading which it is claimed for the average system. The plant, at the same time, has been experiencing the car shortage on outbound movements. The result will be that the cars so unloaded can be held by the plant, through the instrumentality of its credits, as a store of empty cars to meet its needs. The result of this as affecting other industries on the average system which have lesser credits and especially those operating without the average system is readily apparent.

On careful consideration of the evidence adduced and the especial references made to practice in the United States, I am of opinion that the average system is discriminatory in principle, and that it has not been affirmatively established that it will so work out as to increase the car supply available at any given time.

GRAND TRUNK RAILWAY RATES BETWEEN OSWEGO, U.S.A., AND BELLEVILLE, ONTARIO

This was an application from Mr. E. Guss Porter, K.C., M.P., contained in a letter addressed to the Board dated September 18, 1918, which, in substance, asks for the re-establishment of a trans-lake trade route between the ports of Oswego, N.Y., and Belleville, Ont., a distance of approximately 80 miles, with special reference, as it is claimed by applicants, to facilitating, expediting and cheapening coal shipments from the source of supply of hard coal in the United States to the district tributary to Belleville, and avoiding, it is alleged, the congestion in bringing this important traffic via Buffalo.

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At the hearing the applicant was unable, with clearness, to establish the merits of the application as to rate, the evidence lacking the figures to show the rate from mine to Oswego, the cost of handling at Oswego, transshipment via lake to Belleville, and the cost of handling and loading there, and subsequently to the hearing the memo., was filed with the Board, under date of October 14, 1919, as supporting and amplifying the applicant's case. The matter was subsequently referred to the Board's Chief Traffic Officer, who made an exhaustive report, under date November 8, 1919, which report was adopted and incorporated as the basis of the Board's judgment.

The facts are fully set out in the judgment of Mr. Commissioner Boyce, dated February 12, 1920, concurred in by Chief Commissioner Carvell and Assistant Chief Commissioner McLean. Held that no case had been made out which would justify the granting of relief in any of the forms sought for.

REMOVAL CANADIAN PACIFIC RAILWAY COMPANY'S LINES ON OR NEAR RUE MESSIER, CITY
OF ST. BONIFACE, MAN.

This was an application of the city of St. Boniface, province of Manitoba, to the Board for an order directing and ordering the Canadian Pacific Railway Company to remove immediately any and all lines of railway improperly, illegally, and without due and lawful authority laid by the Canadian Pacific Railway Company, or any person or corporation on its behalf, on or near Rue Messier, in the city of St. Boniface, either on the property of the railway or on the property of the city or any other person or corporation.

In the application as launched, request was made that the Canadian Pacific Railway Company be directed to remove such tracks as have been laid by it without lawful authority on or near Rue Messier, in the city of St. Boniface, Man. At the hearing, counsel for the city withdrew this portion of the application, recognizing that at the point in question no right of crossing existed.

The application, it appeared, was one which was primarily concerned with the affording of access to the plant of the Western Wheel Foundry Company. It was testified on behalf of this company that the general industrial situation had been carefully canvassed by it in regard to locations, and that the location which it now possesses adjacent to the point where the crossing is asked for, was chosen only after careful balancing up of the industrial advantages of different sites.

The Canadian Pacific Railway Company at the hearing objected strongly to the crossing being granted, and in this connection pointed out the heavy travel which existed over the tracks across the point where the proposed crossing would be located. One of these is the main line to St. Paul and Minneapolis, and another is the main lead which runs down to serve many industries as well as the stock yards.

The Canadian Pacific Railway Company proposed a diversion of Rue Messier to a point approximately 330 feet north, and then running west across the tracks to connect with Archibald street. Rue Plinquet is 1,200 feet from the proposed crossing on Rue Messier. The diversion, as proposed, would bring the crossing within 850 feet of Rue Plinquet.

The facts are fully set out in the judgment of Assistant Chief Commissioner McLean, dated February 13, 1920, concurred in by Chief Commissioner Carvell, and Mr. Commissioner Rutherford. 26, Can. Ry. Cas., 45.

Held that the crossing was necessary. Held further, that in various cases, where a highway had been opened up across the tracks of the railway and the question of protection is one which it had not been necessary to deal with at the outset, no pronouncement had been made in the order for the division of cost, thus leaving it

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open to the Board, at a later date, to consider the matter from the standpoint of the respective volumes of traffic on the highway and on the railway, and to deal with the matter accordingly. That a different situation existed where it was recognized that features of danger would attach to the crossing from its inception. Held further, that an order in the present case should go, subject to the municipality bearing the full burden of cost of such protection, as might from time to time be found necessary, and that for the present, protection by a watchman between the hours of 7.30 a.m., and 5 p.m. should be provided for, at the expense of the municipality. Held further, that the order should also provide for the rearrangement, at the expense of the Foundry Company, of the switch and tracks referred to.

SASKATCHEWAN SUPPLY AND FUEL CO., SASKATOON, SASK., re FREE TIME ALLOWED FOR ORDERING AND PAYING FREIGHT CHARGES

Judgment of Assistant Chief Commissioner, dated February 16, 1920, concurred in by Chief Commissioner Carvell.

Applicant has a private siding on the Canadian National Railway track on which its sheds are located, these sheds being divided into some sixteen different bins. It has also the use of trackage on the John Deere Company's spur—a Canadian Pacific spur. This spur, while built under agreement for the John Deere Company, has had another spur built off it, and there is another application pending for a further extension. While the applicant does not own this spur or any portion thereof, or contribute to its upkeep, it has in this facility in practice the advantage of a private spur.

In a communication received since the hearing from the solicitor of the Canadian Pacific, the following statement occurs concerning the position taken by Mr. Strickland, a member of the applicant company:—

“Mr. Strickland authorized our superintendent, Mr. McKay, to say that his company did not desire to attach any significance to the fact that they are not in one sense served by an exclusive private spur. They admitted that they are treated identically as if they had an exclusive private spur, and desire that it be so considered.”

The applicant has adjacent to the Canadian Pacific spur in question fourteen different coal bunkers or open bins. The following submission is made:—

“Our cars may either be required at one of our bins on the Canadian National track or one of our open bins on the Canadian Pacific track, or it may be required to be spotted on either track to be unloaded by teams, and the disposition of the car depends, first, upon the kind of coal contained in the car, and secondly, upon whether the railroad has one car for us on that particular day or a number of cars, in which latter case some are required at the bins and the balance spotted for unloading by teams. Under these circumstances, our position is entirely different from the position of the owner of a private siding who has a warehouse or building of some kind at which all his cars are to be spotted, and it is next to impossible for us to give placing instructions immediately we are notified as to the arrival of the car.”

Complaint is made that the Secretary of the Canadian Freight Association, Western Lines, has given a ruling that since the applicant's cars are spotted on a private siding no time allowance for either ordering the car or paying the freight charges is allowed.

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Dealing first with the question of time allowance for the payment of freight charges, it may be pointed out that in the rules formerly effective rule 2 provided *inter alia* that twenty-four hours should be allowed the consignee to pay the tolls or charges, if any. This was, however, subject to rule 11, which provided that this extra time allowance was not to be made where the railway company held previous or standing orders from the consignee for placing on designated tracks or private sidings. Under the rules now operative, which have been in effect since August 20, 1917, it is to be noted that while rule 3 (a), and clause 2 thereof, provides for twenty-four hours free time for giving orders for special placement, it makes no mention, as did rule 2 of the former rules, of this period covering an allowance in which to pay the tolls or charges (if any). And, further, the provisions of the present rules, as above referred to, in respect of orders for special placement are not applicable to consignees served by private sidings or industrial interchange "tracks."

While, under rule 2, (b), delivery of cars upon private sidings or industrial interchange tracks constitutes notification thereof to the consignee, it appears that in practice some arrangement has for some time existed whereby the applicant gives a special placing order. There is some difference of opinion as to the extent to which this has been lived up to. The following discussion is in point (Evid. Vol. 319, p. 12453):—

"The ASSISTANT CHIEF COMMISSIONER: So long as the railways live up to your instructions as to special notification for placing, that not being the strict letter of the rule, things worked all right?

"Mr. STRICKLAND: Yes.

"The ASSISTANT CHIEF COMMISSIONER: But as soon as the strict letter of the rules apply, you have trouble about demurrage?

"Mr. CAMPBELL: No, he still wants another day. The practice to-day is this: A car comes in and instead of being immediately placed on Mr. Strickland's siding he is sent a regular No. 3 advice note; if he gives the disposition the same day, up to 5.30 in the evening, on that car, we consider that it will be placed and his free time commence provided it is placed the following morning at 7 a.m., but there is an isolated case possible where Mr. Strickland does not get his notification early enough to enable him to decide what he is going to do with it, although I am told, subject to correction, that 4 o'clock is about the latest hour that the advices are delivered. Then Mr. Strickland has to decide whether he wants the car on one siding or another, or he turns cars over to other consignees, he sells coal by the carload to other people, or he will have it placed somewhere, but he figures that the free time will not expire before he will have time to team it and save him the expense of unloading the coal into the bins, but in all those cases where he gives his notification the same day as he is advised, the rule does not come into operation, but Mr. Strickland's point is that he should have the following day as well for giving his order."

In effect, the applicant contends that because of special conditions affecting his business he should have a modification of rule 2 (b) whereby he will obtain extra time not allowed under that rule.

As to the Canadian Pacific track concerned; it appears, as has been pointed out, that the applicant has the advantages attaching to the position of a private siding owner, without being subjected to the disabilities of paying for the same.

In a hearing which the Board held on October 21, 1919, the Board was asked by the Canadian Car Demurrage Bureau for a ruling. What was involved was:—

"The question submitted to the Board was as follows:—

"A consignee who has two or more private tracks connecting with tracks of the railway at same point, and upon which the railway company performs

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necessary switching to place and remove cars, advances the opinion that he should be allowed 24 hours' free time after notice of arrival of a car to designate the particular track upon which he requires a car placed. Should the 24 hours' free time be granted, or should he (consignee) not be advised that he should be in a position to designate the track immediately car is offered to him for unloading?

RULING

"On the hearing of the matter at the sittings of the Board at Ottawa, on Tuesday, the 21st October, 1919, the Board decided that the rule (No. 2), as it stands, does not cover the situation raised, that is, by way of entitling a private owner to any extra time."

In the application of F. R. Stewart & Co., Limited, Vancouver, which was heard at Ottawa on October 21, 1919, what was involved was that the applicant who was limited to 33 feet of an industrial siding contended that he should be given the advantage of the 24 hours' provision of rule 3 for giving placement directions; and it was held that under the rules the user of the private siding was not entitled to the extra free time asked for.

The Board has had before it from time to time various applications from individuals contending that because of the special disabilities of their businesses special allowance of free time over and above what is contained in the rules should be made; and the Board has uniformly held that as the rules provide for average maximum reasonable time, departure therefrom is not justifiable.

In the present instance, a case for the extension asked for has not been made out.

A complaint was made as to the effect on applicant's free time of a demand by the railway, or railways, for a marked cheque to cover freight charges. The applicant sets out:—

"In the matter of freight charges we have no credit account with the railways nor will they give us one and while we usually get along without a marked cheque they have a habit of occasionally demanding marked cheques, in which case it is absolutely impossible for us to pay the freight charges until the bank opens at 10 o'clock the following morning."

What is complained of is not a present difficulty, for Mr. Strickland said at the hearing "at the present time the practice is to place cars without the cheque, but I want to point out we are subject to that difficulty any time." Mr. Campbell, Secretary of the Canadian Freight Association, Western Lines, stated in evidence (Vol. 319, p. 12450):—

"For example, Mr. Strickland referred to Rule 2 (b). He is not suffering any hardship under that rule because it is not the practice of the railways to place the cars upon his private siding before he gives them the placing order.
 We do not deliver any car to him until he orders it placed."

So long as the practice so accepted by the railways is continued, there appears to be no difficulty in the situation. If it should be departed from, then, on a written submission from the applicant setting out in a specific case, or cases, the encroachment upon the free time allowed under the rules, resulting from the demand for a marked cheque, the Board will consider whether or not there has been delivery, thus enabling the free time to run, when at the same time the applicant is unable to unload his cars until the marked cheque is given, and will take such action as seems proper.

SESSIONAL PAPER No. 20c

UNITED GRAIN GROWERS OF WINNIPEG, MAN., *re* FREIGHT CLASSIFICATION ON ROAD GRADERS.*Judgment of Assistant Chief Commissioner McLean, dated February 25, 1920.**Concurred in by Chief Commissioner Carvell, and Commissioner Rutherford.*

I have read the report of the Chief Traffic Officer and agree in the conclusions arrived at.

It may be pointed out in terms of the submissions made by the applicants that there are eight types of graders handled by them. By reference to the catalogue number and weight of the machine, the following detail is available:—

The machines lettered G-56, G-57 and G-55 are shipped with the wheels off, K.D., with a second-class rating; and no complaint is made as to these.

The machines lettered from G-50 to G-54, inclusive, are the types which are shipped S.U., on flat cars, and which are at present subjected to the general double first-class rating for the set-up machine.

Rule 6 (a) of the classification provides as follows:—

“Unless otherwise provided for in this classification, or subsequent amendments thereto, L.C.L. shipments too long or too bulky to be loaded in a box or stock car through the side door thereof, and which are loaded on a flat or gondola car, will be carried at actual weight and tariff (class or commodity) rate, subject to a minimum of 5,000 pounds for each car used, at first-class rate for each consignment from one shipper to one consignee; except that when the classification provides for any article a lower minimum weight than 5,000 pounds when loaded on a flat or gondola car, such lower minimum weight will apply, instead of the minimum of 5,000 pounds referred to, for each car used.”

It will appear, then, that the machines G-50 to G-54 are, under this rule, carried at a double first-class rating, subject to a minimum of 5,000 pounds at first-class.

Applying the weight of 5,000 pounds to a machine weighing less than that amount works out, for example, that where the machine G-53, weighing 3,250 pounds is charged as if it weighed 5,000 pounds, it is being charged, if the minimum weight and rate applies because in excess of the tariff rate on the actual weight, 1.54 times as much as the weight which would apply if there were not such a minimum weighting. Working this out for the machines concerned which weigh less than 5,000 pounds, the result is as follows:—

Weight		
G-53, 3,250 lbs., increased..	.. .. .	1.54 times
G-54, 3,350 “	“	1.49 “
G-52, 3,788 “	“	1.32 “
G-51, 4,770 “	“	1.05 “
		5.40 “
Average.. .. .		1.35

There is no classification rating between first-class and the one and one-half times first-class.

There is given up to the carriage of the grader the complete service rendered by a flat car. It is justifiable to take into consideration in connection with the earnings on the large grader weighing 5,510 pounds, the use which might be made of the same car in a carload movement. For this purpose, the earnings in the same mileage movement of a flat car 36 feet or over in length and carrying lumber with a minimum of 50,000 pounds may be taken. This type of car is taken as characteristic. In the case of the Canadian Pacific, 86.4 per cent of its flat cars are over 35 feet 2 inches in length.

The following table compares the earnings on the first-class rating for the same grader with the earnings on the minimum for lumber for 100, 150, 200, 250 and 300 approximate miles:—

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		First class	Charge on	Flat car of lumber
	Miles	in cents	grader	with 50,000 lbs. minimum
Edmonton to Red Deer.. . . .	100	50	\$27.55	\$62.50
" " Carstairs.. . . .	153	64	35.26	72.50
" " Hayter.. . . .	199	74	40.77	87.50
" " Adanac.. . . .	254	82.5	45.46	95.00
" " Oban.. . . .	300	91.5	50.42	107.50

On this basis for the total mileages concerned, the earnings per car-mile in the case of the grader would be, at the first-class rate, 19.8 cents as compared with 42.2 cents on the carload movement of lumber. That is to say, the earnings per car-mile on the grader are 47 per cent of the earnings per car-mile on the lumber. If the movement is computed on one and one-half times first-class, the respective car-mile earnings are 29.7 and 42.2, and the percentage is 70.4 per cent.

Considering the rating on the minimum and the effect of this, together with the general classification factors adduced in the Chief Traffic Officer's report, I do not feel that the Board would be justified in directing a reduction below the rating of one and one-half times first-class.

MESSRS. PLUNKETT & SAVAGE, CALGARY, ALBERTA, *vs.* C.P.R. CO. *re* CHARGES FOR HEATERS IN CARS OF BANANAS—NEW ORLEANS VIA MINNEAPOLIS TO CALGARY

Judgment of Assistant Chief Commissioner McLean, dated February 26, 1920, concurred in by Chief Commissioner Carvell and Commissioners Boyce and Rutherford. 26, Can. Ry. Cas., 57.

It is very much to be regretted that in the presentation of this matter, both at the original hearing and at the subsequent hearing, the matter of the complaint was so developed that various matters material to the complete consideration of the question were not set out.

The original judgment, on what was before the Board, referred to a through rate being in existence from New Orleans to Calgary. It appears, however, from the tariffs that instead of there being a movement on a through rate there was a movement built up on a rate which is a combination of the rate from New Orleans to Minneapolis, plus that from Minneapolis to Calgary; a refrigerator car, to take one instance, moving to Minneapolis on a given freight, then for the movement beyond there was a new and distinct freight charge to destination.

As to the heated car service, the tariff which was in effect at the time the shipment moved was Minneapolis, St. Paul and S.S. Marie Railway Tariff, Supplement No. 2, superseding No. 1 of the M. St. P. & S. S. M. Ry., I.C.C., No. 3857. This also has a filing number for the M. St. P. & S. S. M., C.R.C., No. 645, and the Canadian Pacific filing number is C.R.C. No. W-2154.

The tariff in question provides as follows:—

CHARGES FOR HEATING REFRIGERATOR CARS

"Upon receipt of reasonable notice from shippers that a heated refrigerator car is required for carload shipments between Minneapolis, St. Paul, Minnesota Transfer, Duluth, Minn., or Superior, Wis., and points taking same rates or arbitraries higher and stations in Canada named in tariff as amended, the following rates will be assessed for heating in addition to the regular freight charges of the cars."

Under this item, there are set out rates between Minneapolis, St. Paul, Minnesota Transfer, Duluth, Minn., and Superior, Wis., and various destination points, and the rate shown between Minneapolis and Calgary is 7½ cents per 100 pounds, minimum \$22.50 per car.

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An analysis of this item permits the subject matter to be subdivided under three headings:—

- (a) Upon receipt of reasonable notice.
- (b) That a *heated* refrigerator car is required.
- (c) Specified rates for *heating* will be assessed in addition to the regular freight charges.

The words "upon receipt of reasonable notice," as contained in the item above referred to, are alleged by the applicant to deal only with a situation where notice by the shipper that a heated refrigerator car is required is given, and not to a situation where a car equipped with one heater, as in the present case, has gone forward to Minneapolis for forwarding and application is made for an extra heater.

The shipment, from the correspondence subsequently submitted, appears to have been made by the Cuyamel Fruit Company of Minneapolis. In response to a letter of December 4, 1918, from Plunkett & Savage to the firm aforesaid asking for information as to what had taken place in connection with the shipment from Minneapolis, the following language occurs:—

"We do not know what kind of an agreement you people have with the Illinois Central so far as the heating of cars is concerned. If you have one, we would like to get it in writing from you so that we can have it for defence if the case comes up, or, better still, if you could supply same in the form of an affidavit it would have more weight with the Commission."

Thereafter the following affidavit was submitted:—

State of Minnesota }
County of Hennepin } ss.

"Personally appeared before me 'a notary public for and in the county of Hennepin, state of Minnesota,' Wm. H. Paton, who after being duly sworn, deposes and says that he is the District Manager for the Cuyamel Fruit Co., a corporation with headquarters in New Orleans, La., whose business is the importation and selling of bananas in carload lots. That he has had upwards of fifteen years experience in the line of handling bananas and has been employed by the above named company in his present capacity for the past four years. He affirms that the method employed by his firm in the movement of cars (refrigerator cars being always furnished), is to furnish experienced messengers to accompany cars from New Orleans to the destination of the cars. That the railroads in the United States, upon request of these messengers in charge of the cars, always without exception assist them to the best of their ability in the protection of this very highly perishable fruit, and when called upon in cold weather to furnish heaters to be placed in the ice bunkers of the cars, that they be furnished such heaters to the messengers free of any charge whatsoever. This same condition applies to Winnipeg, Manitoba, and intermediate points between Minneapolis and that point.

Lillian A. Jeffrey, *witness*.

Wm. H. Patton.

"Subscribed and sworn to before me this 9th day of December, 1918.
(My Commission expires January 27, 1923).

Lillian A. Jeffrey,

Notary Public, Hennepin county, Minn."

The Cuyamel Company in its letter of December 9, 1918, to Plunkett & Savage, said letter being on file, says *inter alia*:—

"In connection with this matter we desire to say to you that the rule governing this charge as imposed by the above named company, requires a

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great stretch of imagination to apply to cars of bananas. The rule reads that '*Upon receipt of reasonable notice from shippers that a heated refrigerator car is required, carload shipments between Duluth, St. Paul, Minnesota, and stations taking the same rates, etc., etc., the charge shall be imposed according to the printed schedule.*' Now as a matter of fact, we have never called upon the Mpls., St. Paul & Sault Ste. Marie Railway Company to heat a car prior to its loading, and this is obviously what this rule is intended to cover. It would be a physical impossibility for us to call upon any railway, by giving notice either reasonable or unreasonable, to furnish a heated car, for the reason that these cars are heated prior to their receipt by the M. St. P. & S. S. M. Ry., by heaters furnished south of this point gratuitously by the railroads over which the bananas move to this point, and in order to comply with the terms of this rule, the car would have to be unloaded, and you know that that is entirely impossible."

The Canadian Pacific Railway Company makes the following submission as to the construction of the tariff in this respect, said submission having been filed after the original hearing:—

"It makes no difference whatever where the shipment originated; under the tariff applicable from Minneapolis the freight rate did not include the heater charge, and even if there had been a heater in the car previously, and it were then necessary to provide an additional one, the heater charge was properly assessed. As the Board is aware, the charge is for the heater service, including fuel, and is properly assessed whenever a car moves under heat supplied by the company.

"Under reciprocal arrangements made between the various railway companies operating in the United States and Canada, cars in through movements are interchanged, so as to avoid unnecessary trans-shipment of freight.

"The same reciprocal arrangement applies to refrigerator equipment, and in so far as the charge for heater service is concerned, it makes no difference whether the shipment were transferred into a C.P.R. refrigerator car, and heaters furnished by the C.P.R. at point of connection, or whether the C.P.R. took over the connecting line's car with heaters in it. If the C.P.R. uses the heater equipment of a connecting line on shipments coming to it, it reciprocates by allowing the use of its similiar equipment in the case of other shipments handed to its connections."

The contention of the applicant is that what was asked for was not a *heated car* service, but a *heater service*, and that the tariff, therefore, did not apply. The item already referred to refers both to *heated refrigerator car* and to *heating*, but the fundamental matter appears to be the heated car. While it may be that the item was intended to apply to a heated car *hauled* from Minneapolis, there is ambiguity in the item as worded.

In a written submission made on behalf of the applicants, said written submission being filed by the head of the Transportation Branch of the Fruit Commissioner's Office, Department of Agriculture, the following language is used:—

"I am informed that previous to the time of complaint Messrs. Plunkett & Savage paid the regular freight charges only on bananas except when ice was used, in which case they paid for actual amount supplied. Between the time of complaint and May 6, 1918, they paid \$22.50 per car on eighteen additional cars for which they asked a refund on same basis as the five carloads mentioned. Since that time shippers have been supplying heaters and fuel, the consignee paying for the fuel and returning heaters to them, paying nothing to the railway company."

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On this being checked up with the railway, the Board was advised that it was the understanding of the responsible official in charge of traffic that if shippers were permitted to supply heaters and the fuel and look after same the railway company would make no charge; that, in other words, the company would make a charge only when heaters and fuel were supplied. This position is also set out in a letter of the assistant general solicitor of the company, under date of February 16, 1920, wherein he refers to the communication of Mr. W. M. Kirkpatrick, Assistant Freight Traffic Manager, already referred to, and states his understanding is that the latter has replied that a charge is made only when the heater and the fuel are supplied.

In a written submission earlier made by the company, the following statement is set out:—

“In his judgment the Assistant Chief Commissioner states:—

If he (the messenger in charge) had not asked for the additional heaters at Minneapolis, there would have been no extra charge.

“This statement is of course correct, as, had the heaters and fuel not been supplied, the car would not have moved as a heated car shipment.”

The statement made by Mr. Kirkpatrick, already referred to, relates to the Soo Line Tariff, C.R.C. No. 747, I.C.C. 4457, C.P. No. C.R.C. W-2431, effective February 1, 1919. However, this carries under the item of charges for heated refrigerator cars a provision identical with that referred to as being in force at the time the shipment moved, and the rate quoted is the same.

It is stated in the extracts above given that when the shippers supply heaters and fuel and look after same (the attendance being given by the shippers in either case), there is no heated car charge. Whether this is to be taken as a charge for heating or as including something in addition for the *haulage* of the car is not entirely clear. It may be arguable that since there is the same haulage where the car is heated with the heaters and fuel supplied by the railway as when it is heated by the heaters and fuel supplied by the shipper that the charge is, therefore, based on heater service.

Here, again, there is lack of definiteness. The tariff does not indicate what unit or units of heater service will be supplied for the charges concerned. When the car in question, to take one as a type of the cars concerned, arrived at Minneapolis, there was a heater in it. It was not developed in evidence at the hearing by whom or at what point this heater was supplied on the movement south of Minneapolis. As to the movement up to Minneapolis, the letter from the Cuyamel Company, as above referred to, sets out, in the extract quoted, that—

“These cars are heated prior to their receipt by the M. St. P. & S.S.M. Ry. by heaters furnished south of this point gratuitously by the railroads over which the bananas move to this point. . . .”

The tariff is not defining the *quantum* of heating for which responsibility will be assumed by the railway for a charge, by way of furnishing “heating,” and, further, in not making clear what difference, if any, there is in the charge where, as apparently was the case here, part of the heating has already been provided for, is ambiguous. A normal rule of construction is where a tariff provision is ambiguous, it should be construed strictly against the railway.

While the Canadian Pacific Railway is a participant in the movement, what is involved is the construction of a tariff filed by a railway operating in the United States, wholly within the jurisdiction of the Interstate Commerce Commission. While the tariff, on what is before the Board, appears to be ambiguous, I do not express a concluded opinion on this; for it must be recognized that the Minneapolis, St. Paul and S. S. Marie Railway, which issued the tariff, has not been before this Board and cannot be compelled to appear. And, consequently, there has not been

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before the Board any representation by said railways as to the construction of the item in question. It may also be noted that the arrangement entered into in respect to heaters was one entered into in the United States by a consignor who was not before the Board.

The construction of the terms of the tariff filed by the initial carrier determines throughout the incidence of the item as to heating. The Board has recognized in *Essex Terminal Ry. Co., v. G.T., M.C., Wabash and New York Central Ry. Cos.*, 22 *Can. Ry. Cos.*, 301 at p. 304, that as a matter of practical working there have been advantages in recognizing a control by the Interstate Commerce Commission over the rate from a point in the United States to a point in Canada.

In dealing, in the present instance, with the construction of the terms of the tariff filed by the initial carrier, who is within the jurisdiction of the Interstate Commerce Commission, it seems proper that the ruling of the Interstate Commerce Commission in *I. & S. Docket No. 1155, Heated Car Service Regulations*, 50 *I.C.C.*, 620, should be followed. In dealing with the question of international rate practice, Commissioner Harlan, who wrote the judgment which was accepted by the Commission, said at p. 622:—

“For some years joint through rates from Canadian points to interior domestic points have been regarded as being within the general control of the Canadian Commission, while joint rates from domestic points to interior Canadian points are left under the general control of this commission. The origin and scope of this understanding between the two commissions is explained in *International Paper Co., v. D. & H. Co.*, 33, *I.C.C.* 270. It is also referred to in *Rates on High Explosives to G. T. Ry. System Stations*, 33, *I.C.C.* 567, and was followed in *Aetna Powder Co., v. Wabash R. R. Co.*, 39, *I.C.C.* 199. It has proved to be an efficient working arrangement and will not be departed from by this Commission on light grounds, although we have felt it necessary to point out that our jurisdiction extends to the service of our domestic lines performed within the United States and to the charges therefor, and that where circumstances seem to make such a course necessary we would require the domestic carrier to withdraw from participation in joint through rates to and from Canadian interior points and to establish a local or proportional rate to and from the border.”

The jurisdictional question was not spoken to. Had this been spoken to, the parties would have had earlier advice and the delays caused by the hearings and consideration of written submissions would have been eliminated, so that the parties might have had more prompt recourse to the Interstate Commerce Commission. When it became apparent that there was a jurisdictional difficulty in the way of settlement, the Board gave further attention to considering whether any adequate remedy could be worked out in respect of the Canadian Pacific Railway Company alone.

On consideration of the various phases of the matter, I am regretfully constrained to conclude that the only way in which the matter can be dealt with so as to give an adequate remedy is by dealing with it as a unit. By referring the matter to the jurisdiction of the Interstate Commerce Commission, that body will, in accordance with the ruling in *Heated Car Service Regulations*, above referred to, be in a position to pass upon the construction of the tariff involved, and afford such remedy as to it may seem proper. Whether such reference is to be made by the consignor or by the consignee is a matter to be determined between themselves.

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T. H. TAYLOR CO., CHATHAM, ONT., *re* CHECKING NON-HANDLED FREIGHT

Judgment of Commissioner Boyce. Dated February 27, 1920. Concurred in by Chief Commissioner Carvell and Assistant Chief Commissioner McLean.

The complaint involves the rights, as between shipper and carrier, as regards checking of a shipment of flour from Chatham, Ont., to Sydney, N.S., loaded by shippers, upon their private siding, at Chatham, Ont., and sealed with their own seals. On arrival the carriers alleged that the seals were intact and declined to check the contents of the car, or to assume any responsibility for the alleged shortage in its contents.

The relative rights of shipper and carrier, where shipments are made from private sidings of the shipper, are discussed and fully set out in the judgment of the Board, in *re* Bole Grain Company and C.P.R. (see Judgments, Orders, etc., volume 8, page 365), the principle of which is applicable to the complainants' case, and would appear to be a bar to the recognition of their claim. As was laid down in the Bole Grain Company's case, the carriers in the case of shipments from private sidings are not subjected to the same liabilities as are involved where shipments are made in the ordinary course of business, from the terminus of the railway where the carrier receives, receipts for, and loads the shipment, and seals the car. *A fortiori*, where, as in this case, from their private siding, the complainants themselves load a car, presumably checking the contents into the car, and seal that car with their own seals (not with the seals of the railway company), and at destination the seals are found intact, so it cannot be alleged that the seals were tampered with while in the care of the carrier, there is no duty cast upon the railway company to check the contents of the car, from the car, nor any liability for non-delivery of any portion of its contents.

Beyond this principle, as laid down in the case cited, rule 12 of the Canadian Freight Classification applies. That rule reads as follows:—

“Freight weighing 2,000 pounds or over, per piece, or package; also all freight in 6th, 7th, 8th, 9th and 10th classes must be loaded and unloaded by owners.”

Flour is in the 8th class, and as such the shipment mentioned was subject to the rule cited.

The carriers not having loaded the car, nor superintended the loading of the car, and not having in any way concerned themselves with, or voluntarily assumed responsibility for the contents of the car, clearly assume no duty to check out, or become responsible for the contents of the car. It is a case where the railway company would have had a right, following the Bole case cited above, to have noted the bill of lading, “Shippers load and count.”

With the above observations, the claimants will see that their claim cannot be supported.

I agree. Reference may also be made to the agreement worked out in 1916 between representatives of the shippers and of the railways as to carload loading on private sidings. One effect of this is that where the car is not loaded by employees of the railway or under its supervision there is no duty imposed on the railway to check out such freight.

S. J. McLEAN.

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FREIGHT ADJUSTING BUREAU, VANCOUVER, B.C., FOR RULING *re* RATES ON SHODDY BLANKETS

Judgment of Assistant Chief Commissioner McLean, dated February 27, 1920. Concurred in by Chief Commissioner Carvell and Commissioner Rutherford.

What is involved is the interpretation of apparently contradictory provisions of a tariff.

It is quite clear that item 250 of the tariff (C.R.C. 14) must be read in connection with item 265. The latter, among other things, has "Blankets, other than cotton or shoddy." Reference must therefore be found elsewhere to the shoddy article, and the only other item in the commodity tariff covering blankets is No. 250, which contains, "Blankets, cotton or shoddy." While it is true that this last is headed "Articles made wholly of cotton," provision has to be made for the shoddy blanket excluded from item 265, hence the words "cotton or shoddy." But for the specific exception in item 265 these words would have been redundant, having regard to the word "wholly" in the headline, but being there they must have been inserted with intent, meaning "cotton, as above (wholly) also shoddy." Another interpretation would take shoddy blankets entirely out of the commodity list, as contended by applicants, in which case the first-class rate would apply, namely, \$4.70½, or \$1.25½ per 100 pounds more for the inferior article than for the pure wool blanket of item 265 at \$3.45, and thus create an anomaly that respondents themselves could not be expected to defend.

I consider that applicants have proved title to the \$2.65 rate of item 250, and they have been supported, as the evidence shows, by the C.P.R. Claims Department.

CANADIAN FREIGHT ASSOCIATION *re* INCREASE IN RATES FOR HEATED REFRIGERATOR CARS

Judgment of Assistant Chief Commissioner McLean, dated February 28, 1920. Concurred in by Chief Commissioner Carvell and Commissioner Rutherford.

I

Application is launched by the Canadian Freight Association, acting on behalf of the Canadian railways, for an increase in the rates for the use of heated refrigerator cars for movements in car lots.

II

The application as launched by the Secretary-Treasurer of the Canadian Freight Association, Western Lines, acting on behalf of the lines from Fort William west, is for authority to increase the rate per car-mile to 1½ cents, minimum \$2. Reference is made in this connection to Order No. 25251 of August 5, 1916, and to General Order No. 173 of October 26, 1916. The situation is that the original tariffs filed for the West, and which were suspended by Order No. 24994, had this suspension lifted by Order No. 25251. The request on behalf of the lines in Western Canada is for an increase to 1½ cents per car per mile, with the existing minimum of \$2.

The matter of rates for heated car service in carlots in Western Canada was dealt with in 1916. Tariffs providing for the rates as set out in general order, as above referred to, had been filed and, on complaint, had been suspended. Thereafter hearings were held in the west the matter being set down for hearing at Winnipeg, Saskatoon, Edmonton, Calgary, Moose Jaw and Regina. As a result of the discussions which took place the representatives of the shippers consented to the charge of 1 cent per car per mile, with a minimum of \$2. Certain readjustments in certain of the tariff rules were made dealing with less than carlot shipments. These are not material in the present discussion.

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The result of Order No. 25251, referred to in the preceding paragraph, is that the rates in question went in under ordinary tariff filing and not under direction by order fixing a basis. The matter was not covered by General Order No. 173.

The present application has been heard at Fort William, Winnipeg, Regina, Saskatoon, Edmonton, Calgary, Vancouver and Victoria. In support of the application for an increased rate, a statement setting out the following particulars was filed at Vancouver by the Canadian Pacific Railway Company:—

COST OF HEATED CAR SERVICE BASED ON FIGURES FOR 1918-1919

1. Total cars handled.. . . .	4,514	
2. Total mileage.. . . .	3,947,944	
3. Total average per car.. . . .	874.6	
4. Capital cost of 4,400 heaters at \$20.. . . .	\$88,000.00	
5. Interest at 6 per cent.. . . .	5,280.00	
6. Interest per car mile.. . . .		0.14
7. Depreciation—		
Renewals based on average life of ten years per heater.. . . .	8,800.00	
8. Cost of repairs.. . . .	10,384.00	
	<hr/>	
	\$19,184.00	
9. Depreciation and repairs per mile.. . . .		0.48
10. Terminal attendance—		
50 inspectors at 48 cents per hour.		
6 months on heaters.. . . .	\$28,800.00	
Per mile.. . . .		0.73
11. Office supervision and distribution of heaters, figures on salaries paid general office staff.. . . .	\$ 1,762.50	0.05
12. Cost of heater fuel per mile—		
2 bushels for 36 hours.		
15 miles per hour.		
Charcoal costs 36 cents per bushel.. . . .		0.17
13. Cost of handling, 3 cents per ton per mile.		
Average weight, 75 pounds per heater.. . . .		0.05
	<hr/>	
Total cost per mile.. . . .		1.62

This was a matter of criticism by the different parties interested and of explanation by the railway.

The Canadian Northern Railway Company filed a statement dealing with the cost of particular items entering into the heater service. As will be noted from the sub-joined statement, this gives a percentage increase average of 82 per cent for the labour and material costs concerned.

“The cost of material and labour pertaining to the above service 1916 as compared with 1919 is as follows:—

	1916	1919	Advance
Oil.. . . .	\$.10 gal.	\$.18½ gal.	85
Wick.. . . .	1.50 doz.	2.50 doz.	67
Heater.. . . .	11.00 each	17.70 each	67
Labour (superintendence) ..	.24 per hour	.44 per hour	83
Labour (repairs).. . . .	.37 per hour	.68 per hour	84
Labour (helper).. . . .	.22 per hour	.45 per hour	105

“These figures show an average advance of 82 p.c. which is as close to actual figures as we have been able to get, after consulting our Local Freight Agents, Mechanical Departments, etc.”

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A general protest against the proposed increase was lodged by the Board of Trade of Weyburn, Sask. The Board of Trade of Regina, while not objecting to the increase proposed, raised some questions as bearing on the less than carlot movements. These matters were gone into, explanation being given that no increases on the service in question were involved in connection with the present application. The Lethbridge Board of Trade submitted a statement saying that its general position was to submit the matter to the decision of the Board. No objections were lodged at Vancouver, Victoria, Edmonton or Fort William.

The Board of Trade of Calgary submitted a written statement the essential points of which were:—

(1) The figures as presented in the Canadian Pacific return do not set out accurately the cost of operating heaters on the through service. The essential criticism here is that the total of some 4,400 heaters required to take care of movements totalling 4,514 cars is excessive, and that there must be, to give such a total, an inclusion of the heaters used on less than carlot movements.

(2) It is contended that the charge for the total wages of fifty inspectors for six months against the through heated car service is improper.

(3) It is alleged that the charge for interest on heaters on a per-mile basis is incorrect. It may be noted that a check of the computation gives a corrected figure of 0.135 cents as against 0.14 cents. It is stated that the costs of operating the service include interest on investment; depreciation, and all other charges, and, therefore, the existing rate is not justified; and it is contended that instead of there being an increase the existing rate should be reduced to one-half cent per car-mile.

The capital cost for a heater is set out in the Canadian Pacific statement as being \$20. Exception was not taken to this. At the same time, the Canadian Northern gives a figure of \$17.70. The Canadian Pacific for Eastern Canada gives a replacement cost of \$18.50. The computation as to fuel expenditure is based on an average speed of 15 miles per hour. In Eastern Canada, a revised figure of 10 miles per hour was given. This appears to be more characteristic.

The points raised by the Calgary and Winnipeg Boards of Trade were gone into at Winnipeg. It was there admitted that the criticism that the car mileage as given included less than carlot mileage was correct and that a deduction of 13 per cent should be made on this account. By deducting 13 per cent, the Canadian Pacific gave, subject to the consideration of certain additional factors later referred to, a revised car-mile cost of 1.41 cents.

Leaving aside the supplementary factors of cost which the Canadian Pacific claimed and which are set out below, the figure of 1.41 cents would, by itself, show an apparent profit of 0.09 cents per car-mile. This would afford on the average car journey a slight profit amounting to 78.7 cents.

The method pursued in arriving at the corrected result of 1.41 cents is, however, based on a fallacy. It assumes that a 13 per cent reduction in the divisor of car mileage means 13 per cent in the quotient. But this reduction in the car mileage following from the same reduction in the number of cars included in the service means that the capital cost and the interest and depreciation charges based thereon are reduced by the same percentage. Consequently, the divisor and dividend having been reduced by the same percentage, it follows that, except in so far as there are fractional differences from the division not being extended, the quotient will be the same as before.

Further, it leaves out of consideration that there are three sets of divisors involved: (1) total car mileage, the divisor for items 6, 9, 10 and 11; (2) mileage per individual car per day for item 12; (3) ton mileage in the case of item 13. The deduction of 13 per cent is not made in the last two cases.

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The position set out in the two preceding paragraphs is evidenced if the Canadian Pacific statement as given, subject to a correction to a basis of ten miles per hour and the appropriate percentage reductions for less than carlot mileage and cars in less than carlot service, is taken. The following results are available:—

1. Cars handled in carlot movements..	3,927
2. Mileage of cars handled in C.L..	3,434,711
3. Average mileage per car..	874.6
4. Capital cost..	\$ 78,540.00
5. Interest..	4,712.00
6. Interest per car mile..	0.13
7. Depreciation..	7,854.00
8. Depreciation per car mile..	0.22
9. Repairs..	9,031.00
10. Repairs per car mile..	0.26
11. Terminal attendance..	25,056.00
12. Terminal attendance per car mile..	0.72
13. Office supervision..	1,533.37
14. Office supervision per car mile..	0.04
15. Cost of fuel per car mile..	0.20
16. Cost of handling per car mile..	0.05
<hr/>	
Cost per car mile..	1.62

Items 1, 2, 4, 7, 9, 11 and 13, as given above, are obtained by deducting 13 per cent from corresponding figures in the Canadian Pacific statement.

The figure in the Canadian Pacific statement of 0.17 cents per car mile for fuel cost at a movement of fifteen miles per hour is in error and should be 0.13 cents.

If instead of a speed of ten miles per hour a speed of fifteen miles, as in the original statement is taken, this would mean a deduction of 0.06 cents and a reduced cost figure of 1.55 cents per car mile.

If for the sake of a still more conservative computation the Canadian Northern figure of \$17.70 for a heater is taken, the movement being computed on an average speed of ten miles per hour, the following summary statement of cost items is available:—

6 Interest per car mile..	\$0.12
8 Depreciation per car mile..	0.20
10 Repairs per car mile..	0.26
12 Terminal attendance per car mile..	0.72
14 Office supervision per car mile..	0.04
15 Cost of fuel per car mile..	0.20
16 Cost of handling per car mile..	0.05
<hr/>	
Cost per car mile..	\$1.59

A speed of fifteen miles per hour would give a corrected cost figure of 1.52 cents. If the replacement figure of \$18.50, as used in the east, is taken, the cost per car mile on a ten-mile speed is \$1.60 cents, while on a fifteen-mile speed it is \$1.53 cents per car mile. . .

The railway submitted that in addition to the items it had dealt with in the statement, it had not included the following which were entitled to have weight and which would very considerably add to the cost of the service:—

“We have not, in compiling the figures covering the cost of heater car service, included the following headings:—

“1. The cost in connection with maintaining heater rooms at the larger terminals, which rooms are used for the storage of heaters and charcoal and pie plates used in starting the heaters and the saltpetre for the dipping of pie plates. Nor have we included the labour employed in these rooms in looking after the items referred to. The pie plates and saltpetre alone are two very expensive items in the course of a season which are absolutely necessary in connection with the use of charcoal heaters.

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"2. We have not included the cost of draying and collecting heaters. For instance, heaters in cars consigned to individual companies, such as the Scott Fruit Company, have to be gathered up and drayed to the freight shed after cars are unloaded. Likewise if Matthews-Blackwell or some other shipper desire to make shipment in heated car we have to send heaters to their warehouse to be placed in cars. The average cost of draying these heaters amounts to approximately 40 cents per heater. The same expense applies to all large terminals, such as Moose Jaw, Calgary, Lethbridge, Vancouver, etc., and is a heavy expense in the course of a season.

"3. We have not included in the expense the cost of picking up heaters at various points in the West, segregating them at the larger terminals and distributing them to various points in the West. As an illustration, on several occasions this season on account of the large number of heaters that have been used in the Okanagan valley, we have been compelled to pick up heaters at various points and segregate them at the larger centres, such as Winnipeg, Moose Jaw, Calgary, and load them in baggage cars and forward them to the Okanagan by passenger train, which has on at least two occasions involved the running of an extra section of passenger train. Likewise there is a large expense attached to the gathering of heaters in this manner and distributing them at all points.

"4. We have not included in the expense the cost of heater car messengers. Messengers are sent on all trains handling five or more cars of perishable freight when weather conditions make it necessary. These messengers are paid on an hourly rate, continuous time, being paid time and a half after being on duty ten hours and double time for Sundays and holidays. As an illustration, a messenger accompanying five or more cars of perishable freight from Calgary to Moose Jaw results in an expense of \$36. Similar service from Calgary to Wetaskiwin costs \$24. These figures are based on the actual cost as paid to messengers the past few weeks.

"5. We have not made any allowance for the extra time required in terminals for the attention to heaters in cars of perishable freight. As an illustration, take for instance a train containing from five to fifteen cars of perishable freight. It is necessary to hold this train up in terminals for one to three hours longer than is necessary to hold a dead train in order to allow sufficient time for attention to be given to the heaters, fire pots cleaned and charcoal supply replenished. In the larger centres heated cars are switched out of trains and moved to platform where the heaters can be given the necessary and proper attention. No allowance at all has been made in connection with expense of switching these cars to and from trains.

"6. There are certain expenses in connection with the handling of charcoal which we have not included in the figures submitted.

"7. There are certain general overhead expenses of a supervisory nature which are not included in the figures submitted.

There was also raised by the Winnipeg Board of Trade the point that the terminal attendance of fifty inspectors, as shown, had not been affirmatively established to be an exclusive service given to the heated refrigerator cars. In the hearing in connection with the eastern portion of the application, it was stated by the Canadian Pacific that the time of the inspectors was exclusively devoted to the heater service and, therefore, that the charge in total was a proper one. Mr. Denison's position, in substance, was:—

"Mr. DENISON: We had due notice of this, Mr. Chairman, and spent some time yesterday with the railway men in conference so that we might

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understand just what they were wanting and the necessity for it. My opinion is that there is nothing extraordinary or unreasonable being adopted. If the cost of one cent, as adopted in 1916, was fair or reasonable, there is no question but what one and a half cents at the present time would be also fair enough; but we went into the figures which the railway people had available and I am perfectly satisfied with the cost of one and a half. So far as the shippers of the Winnipeg Board of Trade are concerned, we have no protest to make."

Due weight was given by Mr. Denison to the statement of the railway filed at the hearing, and in a supplementary communication of December 9 he said that the statements of cost were more or less reasonable, and that if the Board was satisfied, after giving due consideration to his submission, he had no further objection. He made the proviso that the service should be all that weather conditions would permit. This is a general obligation of the railway independent of the particular question of rates concerned.

At the sitting in Vancouver, the British Columbia Traffic and Credit Association of Vernon, B.C., hereinafter called the Traffic Association, which was interested in fruit shipments, had its attention drawn to the matter involved through questions directed to its secretary-manager, Mr. Winslow, who was present at the hearing. Subsequent to this sitting, a telegram was received from him asking for particulars and reasonable time for examination and preparation in rebuttal; and it was at the same time suggested that the matter might stand pending judgment by the Interstate Commerce Commission in connection with the investigation into the general question of heater rates and service it was then conducting. This was argued for on the ground that the American service covered a traffic directly competitive with that of the applicant. If, however, it was not obligatory to take into consideration the competitive situation, then the Traffic Association was agreeable to leave the matter of examination of cost in the hands of the Board, subject to the suggestion that the charges should be such as to warrant an entirely efficient service.

As already pointed out, the matter had been brought to the attention of the Traffic Association. After the receipt of the telegram above set out, a further direction was given to the railway to furnish copy of the application and statements in support of it to the Traffic Association; and direction was given that the said Association should file its objections, if any, within three weeks after receipt.

From communications on file, the railway obeyed this direction under date of December 4. Under date of December 12, the said Traffic Association wrote as follows:—

"While we favour the general proposition that the carriers should receive a fair remuneration for service rendered, we respectfully submit that in the framing of any particular tariff of rates there must be considered also the efficiency and reliability of the service rendered and the competitive rates and service. In these respects our traffic is under certain disabilities both as regards the performing of heater service and in respect to competitive traffic. For some time past, it has been our intention to meet the traffic officials of the Western Lines with a view to amelioration of these disabilities. We now hope that in conjunction with the fruit jobbers of Western Canada to meet the traffic officials in January or February which would permit of a hearing before the Commission, if this is required, in the spring.

"We regret we are unable at the present time to proceed as we desire, as the data for the current season is not available and will take some time for preparation. We would accordingly respectfully request that action by the Commission on the carriers' present application be in the nature of a necessary temporary relief; such action to be without prejudice to a re-opening of the case along the lines we above suggest."

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In referring to the above letter which was addressed to the Chief Commissioner, the Traffic Association, in a letter of same date to the Secretary of the Board, stated its position to be that it had asked the Commission to deal with the carriers' application temporarily affording them what relief was considered necessary, but leaving the matter open, without prejudice, to be dealt with later should the said Traffic Association not be able to come to a satisfactory arrangement with the traffic officials direct; and in another communication, dated December 13, addressed to the Board, said Traffic Association desired its telegram of November 26, already referred to, to be withdrawn.

Under date of February 10, the Traffic Association wrote enclosing resolution setting out its position, as follows:—

“That the Association bring to the attention of the Canadian Board of Railway Commissioners our strong objection to any increase in heating charges unless coupled with it there is carriers' liability.—Carried.”

What is involved in this is the contention that the carrier should be a full insurer; in other words, that as a condition of the increase of rate for heater service, the carrier should accept an extended liability which it does not at present.

III

General Order No. 173 did two things. In the first place, as to local movements east of Westfort it lifted the suspension which had been imposed by Order 24680, and by so doing permitted the charge of 1 cent per car mile, minimum \$2, to become effective. In the second place, it dealt with the question of group rates on the movement east to the west, and vice versa, and prescribed the basis therefor. The application as launched under date of November 28, 1919, on behalf of lines in Eastern Canada, asking for the amendment of General Order No. 173 by permitting the adoption of a basis of 1½ cents per car mile, minimum \$2, is in effect, first, an application for the amendment of the portion of the order dealing with the movement from the east to the west, and vice versa; and, second, an application to file new tariffs for the movement east of Westfort in substitution for the tariffs allowed to become operative in 1916.

In support of the application, the Canadian Pacific submitted the following statement:—

“COST OF HEATED CAR SERVICE

1. Total cars handled.. . . .	7,048	
2. Total mileage.. . . .	4,052,600	
3. Average mileage per car.. . . .	575	
4. Capital cost of 3,400 heaters.. . . .	\$63,000.00	
5. Interest at 6 per cent.. . . .	3,780.00	
6. Interest per car mile.. . . .		0.09
7. Depreciation—		
Renewals based on average life of ten years per heater.. . . .	\$6,300.00	
8. Cost of repairs.. . . .	8,040.00	
	<hr/>	
	\$14,340.00	
9. Depreciation and repairs per car mile.. . . .		0.35
10. Terminal attendance—		
44 inspectors at 49 cents per hour (amended).. . .	\$31,046.00	0.77
43 inspectors at 40 cents per hour		
8 hours per day		
30 days per month		
6 months on heaters (original).. . . .	24,768.00	
11. Terminal attendance per car mile.. . . .		0.61
12. Office supervision and distribution of heaters based on salaries paid general office staff.. . . .	\$1,830.00	
Per mile.. . . .		0.04

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"COST OF HEATED CAR SERVICE.—Concluded

13. Cost of fuel per mile	
6 gallons for 24 hours	
10 miles per hour (amended)	0.48
15 miles per hour	
Oil costs 19 cents per gallon	
Per mile (original)	0.32
14. Cost of handling heaters at $\frac{3}{4}$ cents per ton per mile, average	
weight 75 pounds per heater, 2 heaters per car	0.06
Total cost per mile (original)	1.47
19,040 wicks used at 20 $\frac{1}{2}$ cents each	\$4,096.00
Cost per mile (additional)	0.10
Amended cost per mile (amended)	1.89

" (The word 'original' in above statement refers to statement of 1.47 as originally filed. The word 'amended' points out the particulars in the schedule giving total of 1.89.)"

The Grand Trunk also furnished the following detailed statement:—

"COST OF HEATED CAR SERVICE BASED ON HEATED CARS MOVING FROM
NOVEMBER 1, 1918, TO MARCH 31, 1919

Total cars handled	1,224	
Total mileage	245,148	
Average mileage per car	200	
Capital cost of 500 heaters	\$7,500.00	
Interest at 6%	450.00	
Interest per car mile		0.18
Depreciation—		
Renewals based on average life of ten years per heater. \$	750.00	
Cost of repairs	1,170.10	
	<u>\$1,920.10</u>	
Depreciation and repairs per car mile		0.78
Cost of attendance—		
1 hour applying heaters	\$575.28	
$\frac{1}{2}$ hour inspecting heaters, allowing for one inspection en		
route on each car, at 47 cents per hour	287.64	
$\frac{1}{2}$ hour removing and taking care of heaters after protecting		
car	287.64	
	<u>\$1,150.56</u>	
Cost of attention per car mile		0.46
Office supervisions—		
Figured on wages paid office staff	\$600.00	
Cost per car mile		0.24
Cost of fuel—		
6 gallons per 24 hours		
15 miles per hour		
Oil costs 20 cents per gallon.		
Cost of fuel per car mile		0.33
Total cost per car mile		1.99

" GRAND TRUNK RAILWAY SYSTEM

COST OF HANDLING HEATERS

Season 1915-1916	Season 1918-1919	Increase
Oil \$.11 per gal.	\$ 0.20 per gal.	82%
Wicks76 per doz.	1.56 per doz.	105%
Heaters 11.00 each	18.00	63%
Repairs 1.23 per heater	2.05 per heater	66%
Wages paid inspectors, etc., at-		
tending heaters20 per hour. . . . .	.47 per hour	135%
Clerical help, S.C.S. Office 60.00 per month	100.00 per month	60%

REMARKS

Price of Oil Heaters	Season 1918-1919
\$ 8.75 Year 1912, 1913, 1914; spring 1915.	Oil—Based on Coal Oil 16 $\frac{1}{2}$ cents per gallon and Mineral Oil at 23 cents per gallon.
10.50 Fall of 1915.	
12.00 Spring of 1916.	
15.00 Fall of 1916.	
16.50 Spring of 1919.	Repairs—Based on heaters repaired between November 1, 1918, and March 31, 1919.
18.00 1919 with latest improvements.	
Repairs for 1915-1916 based on 575 heaters repaired at London between January and December, 1916."	

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The original cost statement as submitted by Canadian Pacific showed a cost of 1.47 cents per car mile. It will be noted that the statement which is given above shows a total of 1.89 cents. The increases are due to the following factors:—

(a) *Terminal Inspectors.*—The first statement showed forty-three inspectors at 40 cents an hour; the second statement shows at present employed forty-four inspectors at the higher wage of 49 cents per hour. This factor makes an increase of 0.16 of 1 cent per car-mile.

(b) *The cost of fuel.*—In the first statement, the computation is on the basis of fifteen miles per hour. It is set out by counsel for the railway that this average speed is excessive and that the computation should be made on the basis of ten miles per hour. This, with the same consumption of fuel during a 24-hour period and at the same price, gives an increase of 0.16 per car-mile.

(c) *The cost of wicks used.*—As set out in the evidence when the statement was prepared there were no details available as to the cost of wicks. As shown in the statement above, these figure out 0.10 of 1 cent per car-mile.

It will be seen that the items above referred to give a total of 0.36 of 1 cent per car-mile. If the difference due to the calculations as to rate of transit per hour is eliminated this will still leave 0.26, or a total charge of 1.73.

It is contended that there are items of cost in connection with the service which cannot be reduced to dollars and cents. One important one is the service performed in distributing heaters. There are central holding points for heaters at inspection points. At a large terminal like Montreal or Toronto, these heaters may have to be sent out to some private siding for heating a car that has been loaded outwards. In some cases the heaters have to be distributed by team. When there is a line haul involved, if the forwarding of the heater to the point concerned is not one involving emergency, the movement is by freight. In cases of emergency they are moved by passenger trains. Reference was made to a carload of heaters moved by passenger train to St. John on January 6, part for local use and part for distribution.

In connection with the distribution of heaters it is contended it is necessary to make use of other employees in distribution at terminal points. A building is maintained at Montreal for storage for eastern lines of these heaters during the summer months. This building is said to have a rental value of \$2,400 per year.

While the hearing at Ottawa was widely circularized by notification to trade bodies, there was but little protest. A telegram was received from the Quebec Board of Trade, but as received it referred to an increase of $1\frac{1}{2}$ cents and a protest against this. Obviously the Board of Trade was proceeding on erroneous information, as the increase involved was one-half cent. It may be that there was an error in transmission of telegram; but no information bearing on this was filed and nothing further developed from the Board of Trade in question.

Mr. Marshall, for the Toronto Board of Trade, drew attention to some of the provisions of the cost statements, particularly as to the question of terminal costs, and to the number of inspectors necessary. The criticism turned more particularly on the statement of facts which had been made in connection with the 1916 investigation, wherein it was set out by a witness for the Canadian Pacific that a man engaged in this service could occasionally be used in other services of the railway. Counsel for the railway affirmatively stated that on the changed conditions and the practical doubling of mileage under heat at present as compared with 1916, the full time of the men in question was taken up with the heater service; and Mr. Marshall said he accepted this statement.

The general position as submitted by Mr. Marshall was:—

“In so far as the members of the Toronto Board of Trade are concerned, there is no objection whatever to the tariffs of the carriers being increased from one cent per mile, minimum \$2, to $1\frac{1}{2}$ cents per mile for heated car ser-

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vice, providing of course we get a really good service, and that the Board find after examining the statements submitted by the carriers that their costs are approximately right."

Mr. Tilston, for the Montreal Board of Trade, interposed no objection.

The position taken by the Traffic Associations, as already referred to, is tied up to the position as taken by Mr. McIntosh, of the Fruit Commissioner's office, who appeared on behalf of the following:—

The Ontario Fruit Growers' Association.

The Nova Scotia Fruit Growers' Association.

The British Columbia Credit and Traffic Association.

The Nova Scotia Shipping Association.

The Western Canada Fruit Jobbers' Association.

The Ontario Vegetable Growers' Association.

The Niagara Peninsula Fruit Growers' Association.

The Quebec Department of Agriculture.

Included in this list is the Traffic Association, and Mr. McIntosh read into the record a telegram from Mr. Winslow, the secretary-manager of the association, dated December 30, as follows:—

"Suggest to this Board that the traffic officials of Western Lines have been invited to meet fruit growers, shippers and jobbers of Western Canada in conference at Vancouver the last week in January for discussion of heated service with a view of more practical arrangements."

The subsequent statement by the Traffic Association has already been set out.

Mr. McIntosh desired that opportunity be afforded for further written submissions on behalf of the Director of the Co-Operation and Markets Branch, Ontario Department of Agriculture, Mr. A. H. McLennan, Vegetable Specialist, and the Potato Council of Ontario. The time which has elapsed has been amply sufficient for the filing of such submissions. None have been received. He also stated a request on behalf of the Fruit and Vegetable Trade of Montreal that a hearing be held in that city, or that they be permitted to file written submissions. The same comment as above may be applied here.

There has just been received the following resolution passed at the Annual Convention of the Ontario Vegetable Growers' Association, this resolution being submitted under date of February 25:—

"Moved by J. J. Davis, seconded by Henry Broughton, that whereas the present heated refrigerator car service as now provided by the Canadian railways, has not been satisfactory in the handling of different varieties of vegetables, particularly onions and potatoes, causing heavy losses and waste of foodstuffs, due to the fact that heaters have not received proper attention in transit, the Ontario Vegetable Growers' Association, in session in Ottawa, January 15, 1920, go on record as being opposed to any further increases in the charges for a heated refrigerator car service under rules and conditions now effective; further, that this association strongly recommends that application be made to the Board of Railway Commissioners for an order requiring the railways to provide a carriers' protective service under which the railways assume liability for loss due to freezing or from artificial overheating not the direct result of negligence of the shipper, and that the railways be permitted to impose a reasonable charge for this service in addition to the regular freight charges; and further that a copy of this resolution be filed with the Board of Railway Commissioners.—Carried unanimously.

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As to the question of increased remuneration, Mr. McIntosh did not take exception to the increase in cost. At p. 133 of the evidence, volume 321, he stated: "I think under the present cost of operating that they are entitled to more money for their heated car service;" and at p. 134 he stated: "I do not think there is anything to be gained by keeping the railway companies from a charge they are entitled to for the remainder of the season." He coupled with this, however, the position that the railway should accept the liability of a full insurer. Further statements were submitted by him as bearing upon the inadequacy and defects of the service rendered, it being stated by him, on behalf of some of his clients, that certain vegetables were damaged in transit from excessive heat while others were damaged by frost. The question of the service rendered and the obligation of the railway in connection therewith, as distinct from the matter of being a full insurer, is something which is not necessarily tied up to the discussion of the rate in question.

In the exchange of opinions which took place at the hearing in regard to the question of the carrier assuming the liability of a full insurer, reference was made to the classification provisions in this respect as tied up to the class rates.

The increase as at present proposed is justified by the railways on the basis of cost and independent of any element of profit. On the basis of the figures submitted the increase asked for does not cover the full cost involved. If a carrier is to be a full insurer, it is obvious that the increase in the heater rate herein proposed cannot make any contribution to an insurance fund out of which the railway would pay such losses as might accrue from this extended liability as a full insurer; and this being so, it further developed in the course of the discussion that there was nothing before the Board as to what rate would properly take care of this liability, nor was Mr. McIntosh, who advanced the proposition, able to make any submission which would be helpful to the Board in arriving at a conclusion in the matter. This is not in criticism of Mr. McIntosh, who was simply advancing a principle and who had not in his possession the detailed statistics which it would be necessary to have in striking a rate such as would be necessitated by the extended liability he contended for. At the same time, it may be referred to as indicative of some of the difficulties which must be faced.

As was clearly pointed out by the Chief Commissioner at the hearing, this phase of Mr. McIntosh's contention was injecting into the discussion a proposition which had not been discussed; and that if it was the desire of the parties interested to have such matter brought up, then it would have to be dealt with in the regular way.

As already pointed out, the rate of one cent per car per mile as applicable in the West was worked out by consent of the parties interested. Where shippers' representatives and representatives of the railways sit down together and work out what appears to them to be a reasonable basis of rate, the agreement so arrived at must be given due weight and not lightly disregarded, as would be the effect if one of the contentions of the Calgary Board of Trade in regard to a reduction of the existing rate were acceded to.

The practice of shippers and railways endeavouring, through conference, to agree upon rate rearrangements and iron out their difficulties is one which is much to be commended. There has been on the whole a very distinct improvement in this respect during the past ten years of the Board's history. The function of the Board is not to make rates in the first instance, but to deal with the apparently irreducible minimum of grievance. At times, a railway has taken the position that because a complaint has been filed with the Board it would be improper for the railway, pending hearing and adjudication, to discuss the matter with the applicant, with the view of arriving at some satisfactory conclusion. It may be emphasized that the Board does not take any exception to such adjustment being worked out.

The rate basis of heater car service in the West was a consent one. There is substantial consent that an increase, subject to the Board's analysis of the figures

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submitted, is justifiable. An analysis of the figures both east and west justifies the increase asked for.

The increase in the west and the increase in the east and as between the east and the west may go in, subject to the increase in the maximum rates of the groups as provided for in General Order No. 173 being limited to 50 per cent. This point was not developed in the original application as filed, but on being brought to the attention of the railways at the hearing was agreed to.

In view of the extended hearings which have taken place, the Board is justified in authorizing that the increase in rates shall become effective on seven days' notice.

PEOPLE'S GAS SUPPLY CO., OTTAWA, *re* TRANSPORTATION OF DANGEROUS ARTICLES OTHER THAN EXPLOSIVES

This was an application made by the People's Gas Company, Limited, for repeal of, or an amendment to the second paragraph of rule 1861 (j) of the Regulations for the Transportation of Explosives and other Dangerous Articles by freight. This rule was put into effect by Board's General Order No. 260 of March 17, 1919, amending General Order No. 203, and was the result of the application of the Prest-o-lite Company of Canada, Limited, for an order amending the regulations approved by said general order.

The rule complained against is as follows, and, as pointed out, the objection is to the second paragraph thereof:—

(j) Cylinders containing acetylene gas must be completely filled with a porous material that has been tested with satisfactory results by the Bureau of Explosives, and this material must be charged with acetone, or its equivalent, not to exceed 40 per cent of the interior volumetric capacity of the cylinder. The pressure in cylinders containing acetylene gas must not exceed 250 pounds per square inch at a temperature of 70° F.

“Cylinders containing acetylene gas must not be shipped unless they were charged by the person or company by or for whom the cylinders were manufactured. Provided that they may be charged by a person or company having possession of complete information furnished in writing by the person by or for whom the cylinders were manufactured, showing the nature of the porous filling and solvent in the cylinders and the meaning of the test markings, solvent indicator markings, and other markings on the cylinder.”

The applicants claimed that the enforcement of this rule would mean compelling them to go out of business.

Prior to the passing of this rule, the rule that was in force, and which was applied, was as follows:—

“Cylinders containing acetylene gas must be made of tough steel and must be completely filled with porous material that has been tested with satisfactory results by the Bureau of Explosives, and this material must be charged with acetone, or its equivalent, not to exceed 40 per cent of the interior volume capacity of the cylinder. The pressure in cylinders containing acetylene gas must not exceed 250 pounds per square inch at a temperature of 70° F.”

The contention of the People's Gas Company is that the Prest-o-lite people, having failed in the courts, the object of this amendment is to preserve to the Prest-o-lite Company the right to control the filling of their tanks, and to exclude the People's Gas Company from carrying on a business they are otherwise empowered by the Parliament of Canada to carry on.

The facts are fully set out in the judgment of Mr. Commissioner Goodeve, dated March 4, 1920, concurred in by Assistant Chief Commissioner McLean and Deputy Chief Commissioner Nantel.

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Held that the conclusion arrived at by the Interstate Commerce Commission, as expressed in its decision, 53 I.C.C. 544, governs this case and that the rule should be amended in a similar manner to that of the Interstate Commerce Commission, subject to an additional rule that every manufacturer of cylinders for the shipment of acetylene gas in Canada shall file with the Inspector of the Bureau of Explosives at Toronto, complete information as to the nature of the porous filling, the kind and quantity of solvent in the cylinders, and the meaning of such markings on the cylinders as are prescribed by the Board's regulations, together with the serial numbers of the cylinders using a particular kind of filler. That upon application of any manufacturer of acetylene gas to the Bureau of Explosives for information necessary to enable him to comply, in the recharging of same, with the regulations of this Board, the same should be furnished

DISPOSITION AND PROTECTION OF EXPRESS MATTER UNLOADED AT FLAG STATIONS

Judgment of Assistant Chief Commissioner McLean, dated March 22, 1920, concurred in by Chief Commissioner Carvell, Deputy Chief Commissioner Nantel and Commissioners Goodere and Boyce. 26, Can. Ry. Cas., 35.

The express receipt provides by subsection (m) of section 5 that the company shall not be liable "for any loss or damage occurring to shipments addressed to stations where there is no agent of the company after such shipments have been left at such stations."

Complaint has been made from time to time that parcels of express are left on the platforms of flag stations, with the result that loss and damage occur in connection with them.

It was pointed out by the express companies that the amount of business done at a flag station point does not warrant the expense of maintaining a separate caretaker; and it is further stated that the express messengers are not permitted to leave their cars. The contention advanced by the express companies that as a rule shipments for flag station points are expected by the consignee who meets the train, the time of arrival of which is well known, is a contention to which much exception is taken; and much of what is said by way of criticism here is justified.

In general, the express companies, the answer of the Dominion Express Company being taken as typical, submit that they are doing all they can to have the goods protected, and that messengers have instructions to see that shipments are unloaded on the platform; and that where there is a shelter the trainmen, in general, see that the goods are put in the shelter; that, generally speaking, at points on the railway, the company has some one on duty most or part of the time; the express shipments are looked after by such person or persons; and the route agents of the express companies going along the line endeavour to learn whether or not such shipments are taken care of in a reasonable way.

The material submitted before the Board does show some legitimate reason for complaint. There are undoubtedly some losses and damages. At the same time, the Board has to deal with the matter from the standpoint of what is practicable. The Board has recognized in connection with the provisions as to flag stations that the requirement of the same or similar facilities at a flag station as at a regular station would, from the standpoint of the volume of traffic involved, be unfair. Placing on a railway, in the case of a flag station, a burden of expense analogous to that properly borne by a regular agency station would not only mean an unfair inroad into the revenue, but would mean that the railways would be exceedingly chary in establishing flag stations if regular station expenses at once attached.

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The matter was gone into very carefully in the judgment of the late Chief Commissioner Mabee in connection with the issuance of the flag station order; and reference to what is therein set out may be made. What has been said in regard to a station where the installation of an agent has not been found justifiable would appear to apply with equal force to express business. To require at a flag station which has small traffic that some person should be employed to handle the express parcels would mean, in many cases, a payment out of revenue considerably in excess of what would be received from the express business to and from the point in question.

At the time the flag station judgment and order issued, the Board, first of all, canvassed the situation in the adjoining States of the American Union with a view to learn as much as possible from their experience. In the present instance, the Board directed the following questions to a representative list of railroad commissions in the United States:—

- (a) Is the shipment handled forward to the first agency point beyond, notification being sent to consignee from said agency point?
- (b) Is the express shipment simply put off on the platform at the non-agency point, and what liability attached to Express Company when this is done?
- (c) Is there any obligation imposed on the Express Company, or on the train crew, when shipment is put off at non-agency point to put same in the freight shed or other shelter existing at said non-agency point?

A summary of the situation from different commissions may be given:—

In the state of New York, when shipments are destined to a place where the express company has no office, the shipment must be marked with the name of the express station at which consignee will accept delivery.

In the state of Georgia, provision is made that where a shipment is consigned to a non-agency station, then, unless otherwise ordered by the shipper, the shipment is carried to the nearest agency station where it is put off, and consignee is notified by the agent that shipment is at such station. If the shipper notifies the express company that he desires shipment put off at a non-agency station, it is put off entirely at his own risk. Further, where a shipment is put off at a non-agency station, there is no obligation imposed upon the express company or train crew to put the same into a freight-shed or other place of shelter.

The Minnesota Commission states the practice in regard to non-agency stations is that shipments are carried forward to the next express agency point beyond the non-agency point, unless some one is at the latter point to receive the shipment and pay the charges; or, if the shipment is prepaid, a notice is inserted in the waybill to put shipment off at non-agency point at owner's risk. There is no rule requiring express companies to put express into freight shed at non-agency points.

The Railroad Commissions of Wisconsin, Missouri, and Iowa report similar regulations, these being governed by the official express receipt.

A similar statement is made by the Public Utilities Commission of the state of Illinois.

The Public Service Commission of Indiana states that the regulations of the American Railway Express Company, which at the time of writing was operating under the supervision of the Federal Government, apply to the matters involved; and in this connection it enclosed a copy of a letter from Mr. H. B. Calkins, Superintendent, American Railway Express Company, at Indianapolis, from which the following is an extract:—

“It is the custom in the United States when a shipper wishes express (other than money, valuables, or C.O.D. shipping), put off at a station where there is no express agent, the charges must be prepaid, and the express receipt

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must be endorsed 'Put off at destination at my risk,' signed by the shipper. The shipment must be endorsed 'Released—Put off at owner's risk.' In this case, a duplicate of the receipt is made and kept on file at the express office at point of origin.

"The express company will not accept a package of money or a valuable package, or a C.O.D. package with the understanding it would be put off at owner's risk."

Mr. Calkins also states that in the case of a shipment destined to a so-called inland town off the railroad, unless the shipper designates an express office where he desires the shipment billed to, the express company ascertains a nearest express office to destination and forwards the package there. The agent there sends a postal notice to the consignee announcing the arrival of the shipment.

It will thus appear from the summary given that the experience of various regulative tribunals in the United States does not disclose anything which would be helpful by way of indicating the line on which there might be an extension of obligation.

While the Board has recognized that a certain minimum is necessary before the Board would be justified in directing the installation of a regular agent at a point which has hitherto been a flag stop, at the same time it has recognized the propriety of having caretakers installed at points whose revenue falls below the \$15,000—the minimum as set out in the flag station order. No rigid rule as to the amount of traffic necessarily involved or the amount of revenue therefrom necessary to justify the installation of a caretaker can be set down. The particular facts have to be given consideration in each case. I am unable to find from the records of American state commissions that the practice of having caretakers with defined functions at flag stations has been developed in the United States as a principle in the way it has been developed here.

An analysis of the orders dealing with the appointment of caretakers has been made. In some cases, orders have issued which have not provided for the handling of express traffic as one of the functions of the caretaker. An analysis of some ninety-three orders in which provision as to express matter is contained has been made. The general provision as to the obligation of the caretaker is, in summary, "to keep station clean and heated for passengers on arrival and departure of trains, and to care for L.C.L. freight and express matter."

Of the ninety-three orders in which these provisions, or words equivalent, will be found, some forty-three are to be found in the provinces west of the Great Lakes.

After careful consideration, I am forced to the conclusion that it would be not only impracticable but also unfair to direct that at every flag station at which express matter is or may be received there should be an agent or employee to receive and take care of such express matter. For the reasons already set out, the matter must be dealt with in an average way. I am of the opinion that in every case where the Board deals with the appointment of a caretaker, the question of express traffic should be given weight, and that in every order issuing in the future one of the functions of the caretaker should be to take care of express traffic.

While I recognize that there are some individual cases of hardship which, unfortunately, this will not take care of, I am at the same time of the opinion that at a point where, on account of the small volume of traffic concerned, the Board is not justified in directing the installation of a caretaker, it necessarily follows that at such point it would not be justified in directing the installation of some one to take care of the express matter.

APPENDIX B

REPORT OF THE CHIEF TRAFFIC OFFICER OF THE BOARD FOR THE
YEAR ENDING DECEMBER 31, 1920

SIR,—I have the honour to submit, for the sixteenth annual report of the Board, a memorandum of the freight, passenger, express, telephone, telegraph and sleeping and parlour-car schedules filed with the Board from November 1, 1904, when by order of the Board, under the Authority of section 311 of the Railway Act, 1903, the railway companies commenced filing their tariffs, to December 31, 1919; and from January 1, 1920, to December 31, 1920, inclusive; also, of the more important orders relating to traffic issued by the Board to December 31, 1920:—

SCHEDULES RECEIVED FROM NOVEMBER 1, 1904, TO AND INCLUDING
DECEMBER 31, 1919

Freight—				
Local tariffs..	12,954			
Supplements..	27,411			
		40,365		
Joint tariffs..	28,695			
Supplements..	84,321			
		113,016		
International tariffs..	114,181			
Supplements..	352,624			
		466,805		
			620,186	
Passenger—				
Local tariffs..	13,900			
Supplements..	18,034			
		31,934		
Joint tariffs..	11,417			
Supplements..	19,243			
		30,660		
International tariffs..	22,436			
Supplements..	44,747			
		67,183		
			129,777	
Express—				
Local tariffs..	5,867			
Supplements..	55,567			
		61,434		
Joint tariffs..	6,196			
Supplements..	20,273			
		26,469		
International tariffs..	4,120			
Supplements..	1,367			
		5,487		
			93,390	
Telephone—				
Local tariffs..	2,252			
Supplements..	1,326			
		3,578		
Joint tariffs..	3,212			
Supplements..	15,275			
		18,487		
International tariffs..	429			
Supplements..	9,715			
		10,144		
			32,209	
Telegraph—				
Tariffs..	153			
Supplements..	160			
		313		313

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SCHEDULES RECEIVED FROM NOVEMBER 1, 1904, TO AND INCLUDING
DECEMBER 31, 1919—*Concluded.*

Sleeping and Parlour Car—			
Local tariffs.. . . .	132		
Supplements.. . . .	153		
		285	
Joint tariffs.. . . .	80		
Supplements.. . . .	157		
		237	
International tariffs.. . . .	178		
Supplements.. . . .	519		
		697	
			1,219
Combined totals, all schedules.. . . .			877,094

SCHEDULES RECEIVED FROM JANUARY 1, 1920, TO AND INCLUDING
DECEMBER 31, 1920

Freight—			
Local tariffs.. . . .	1,638		
Supplements.. . . .	2,798		
		4,436	
Joint tariffs.. . . .	3,334		
Supplements.. . . .	8,895		
		12,229	
International tariffs.. . . .	5,632		
Supplements.. . . .	19,659		
		25,291	
			41,956
Passenger—			
Local tariffs.. . . .	1,430		
Supplements.. . . .	1,675		
		3,105	
Joint tariffs.. . . .	1,697		
Supplements.. . . .	2,281		
		3,978	
International tariffs.. . . .	3,442		
Supplements.. . . .	7,085		
		10,527	
			17,610
Express—			
Local tariffs.. . . .	48		
Supplements.. . . .	447		
		495	
Joint tariffs.. . . .	27		
Supplements.. . . .	352		
		379	
International tariffs.. . . .	91		
Supplements.. . . .	1,182		
		1,273	
			2,147
Telephone—			
Local tariffs.. . . .	151		
Supplements.. . . .	476		
		627	
Joint tariffs.. . . .	118		
Supplements.. . . .	4,932		
		5,050	
International tariffs..		
Supplements..		
		
			5,677
Telegraph—			
Tariffs.. . . .	16		
Supplements.. . . .	23		
		39	
			39

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SCHEDULES RECEIVED FROM JANUARY 1, 1920, TO AND INCLUDING
DECEMBER 31, 1920—*Concluded.*

Sleeping and Parlour Car—			
Local tariffs.. . . .	18		
Supplements.. . . .	31		
		49	
Joint tariffs.. . . .	29		
Supplements.. . . .	37		
		66	
International tariffs.. . . .	22		
Supplements.. . . .	87		
		109	
			224
Combined totals, all schedules.. . . .			67,652
Grand total.. . . .			944,747

SUMMARY OF TRAFFIC ORDERS OF GENERAL INTEREST ISSUED DURING THE YEAR ENDED
DECEMBER 31, 1920

General Order No. 278, January 3, 1920.—Approves tariffs of express companies as filed with the Board.

General Order No. 279, January 5, 1920.—Requires the Canadian Freight Association, on behalf of railways subject to the Board, to restore rates on fresh fruits from Ontario and Quebec points to Winnipeg, Portage la Prairie and Brandon, Man., to the basis prescribed in order of the Board dated October 10, 1904, as increased by General Order No. 212, dated January 5, 1918, Order in Council P.C. 1863, dated July 27, 1918.

No. 29231, January 9, 1920.—Requires the Canadian Freight Association, on behalf of railways subject to the Board, to reinstate export rates to Seattle, and Tacoma, Wash.

No. 29263, January 10, 1920.—Approves Standard Freight Tariff C.R.C. No. 84 of the Fredericton and Grand Lake Coal and Railway Company.

No. 29264, January 10, 1920.—Approves Standard Mileage Freight Tariff C.R.C. No. 51 of the New Brunswick Coal and Railway.

No. 29267, January 13, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Barrie-Angue Telephone Company, operating in the county of Simcoe, Ont.

No. 29280, January 16, 1920.—Requires a reduction in the classification of electric light bulbs, l.c.l., from two times first-class to one and one-half times first-class.

No. 29281, January 16, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Heath Head and Grey Telephone Company, operating in the county of Grey, Ont.

No. 29293, January 23, 1920.—Approves Standard Freight Mileage Tariff C.R.C. No. 1 of the Toronto Suburban Railway Company.

No. 29309, January 26, 1920.—Authorizes railway companies to increase the charge for lining cars used for the carriage of flaxseed in bulk from \$3 to \$4 per car.

No. 29313, January 28, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Sydenham Union Telephone Company, operating in the county of Grey, Ont.

No. 29323, January 30, 1920.—Approves Standard Passenger Tariff C.R.C. No. 4 of the New Brunswick Coal and Railway.

No. 29328, February 2, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the New Glasgow Telephone Company operating in the county of Elgin, Ont.

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No. 29357, February 10, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Brougham and Grafton Telephone Company, operating in the county of Renfrew, Ont.

No. 29360, February 10, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the East Woodville Telephone Company, operating in the county of Victoria, Ont.

No. 29370, January 30, 1920.—Approves Standard Passenger Tariff C.R.C. No. 4, of the Fredericton, and Grand Lake Coal & Railway Company.

No. 29398, February 24, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Goulais Bay Telephone Company, operating in the district of Algoma, Ont.

No. 29399, February 23, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Greenwood Telephone Association, Limited, operating in the district of Algoma, Ont.

No. 29400, February 24, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Corporation of the Township of Mornington, operating in the county of Perth, Ont.

General Order No. 284, March 8, 1920.—Permits an increase in the charge for the use of refrigerator cars.

No. 29436, March 2, 1920.—Reduces the classification of road graders from double first-class to one and one-half times first-class.

General Order No. 286, March 4, 1920.—Approves tariffs of telephone companies as filed with the Board.

No. 29439, March 9, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Pleasant View Telephone Company, operating in the county of Grey, Ont.

No. 29467, March 17, 1920.—Approves Supplement No. 1 to Standard Passenger Tariff C.R.C. No. 1 of the Ottawa Electric Railway Company.

General Order No. 287, March 22, 1920.—Amends regulation governing cylinders containing acetylene gas to be shipped by freight.

No. 29496, March 24, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Bethesda and Stouffville Telephone Company, operating in the counties of York and Ontario, Ont.

No. 29497, March 24, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Sebright Telephone Company, operating in the counties of Victoria and Ontario, Ont.

No. 29498, March 24, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the East Grey Telephone Company, operating in the county of Grey, Ont.

No. 29499, March 24, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Derby Telephone Company operating in the county of Grey, Ont.

No. 29507, March 24, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Lake Megantic Pulp Company, operating from the village of Milan to Pond Siding, in the county of Compton, Que.

No. 29512, April 1, 1920.—Prescribes bases for commutation fares.

No. 29523, April 3, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the La Compagnie de Telephone St. Camille, operating in the counties of Wolfe, Richmond and Sherbrooke, Que.

No. 29524, April 7, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Ardtrea Telephone Company operating in the county of Simcoe, Ont.

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General Order No. 290, April 12, 1920.—Approves regulations to govern the issue and recording of free transportation by railway companies and make such regulations apply in so far as they are applicable to free transportation issued by express, telegraph and telephone companies.

No. 29528, April 12, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Victory Telephone Company, operating in the counties of Grey and Bruce, Ont.

No. 29529, April 12, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the La Compagnie de Telephone de Warwick, operating in the counties of Drummond and Arthabaska, Que.

No. 29530, April 12, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company, and the Sandwich West Co-operative Company, operating in the County of Essex, Ont.

No. 29532, April 12, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Ayr Rural Telephone Company, operating in the counties of Waterloo, Brant, and Oxford, Ont.

No. 29550, April 19, 1920.—Prescribes fares to be charged by the Ottawa Electric Railway Company.

No. 29557, April 20, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Manse Grove Telephone Association, operating in the county of Victoria, Ont.

General Order No. 292, April 22, 1920.—Approves tariffs of various railway companies increasing Standard Maximum Tariffs of Sleeping and Parlor Car Tolls.

No. 29571, April 26, 1920.—Authorizes the Montreal and Southern Counties Railway Company, to increase its passenger tariff by twenty per cent.

No. 29574, April 24, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the La Compagnie de Telephone de Notre Dame de Ham, operating in the county of Wolfe, Que.

No. 29580, April 28, 1920.—Approves Standard Passenger Tariff C.R.C. No. 24 of the Montreal and Southern Counties Railway Company.

No. 29581, April 27, 1920.—Approves with certain exceptions Supplement No. 2 to Express Classification for Canada No. 4.

No. 29583, April 27, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Pioneer Telephone Company, operating in the county of Oxford, Ont.

No. 29585, April 16, 1920.—Approves Supplement No. 13 to Canadian Freight Classification No. 16.

General Order No. 294, April 30, 1920.—Prescribes increased allowance for car doors furnished by shippers.

No. 29604, April 30, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Bobcaygeon Rural Telephone Company, operating in the counties of Victoria and Peterborough, Ont.

No. 29605, April 30, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Ingleside Telephone Company, operating in the county of Oxford, Ont.

No. 29606, April 30, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Spring Creek Telephone Company, operating in the county of Oxford, Ont.

No. 29620, May 12, 1920.—Approves Standard Passenger Tariff C.R.C. No. 1 of the Woodstock, Thames Valley and Ingersoll Electric Railway Company.

No. 29624, May 6, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Jackson Telephone Company, operating in the county of Grey, Ont.

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No. 29625, May 6, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Molesworth Independent Telephone Company, operating in the counties of Perth and Huron, Ont.

No. 29629, May 10, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Central Dufferin Telephone Association, Limited, operating in the county of Dufferin, Ont.

No. 29630, May 10, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Penhurst Telephone Company, operating in the county of Oxford, Ont.

General Order No. 296, May 15, 1920.—Approves regulations for the transportation by express of acids, inflammables, etc., and requires the carriage of laboratory samples of explosives.

No. 29659, May 21, 1920.—Approves Standard Freight Tariff C.R.C. No. E-115 of the Canadian National Railways (Halifax & Southwestern Division).

General Order No. 298, June 2, 1920.—Prescribes forms of contract for the carriage of live stock by freight.

No. 29697, June 2, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Mississippi Telephone Company, operating in the county of Lanark, Ont.

No. 29700, June 2, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Fraser Telephone Company, operating in the county of Oxford, Ont.

No. 29701, June 2, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the South Diagonal Telephone Company, operating in the county of Grey, Ont.

No. 29708, June 2, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Falkirk Telephone Company, operating in the county of Middlesex, Ont.

General Order No. 299, June 5, 1920.—Approves Telegraph tariffs of advanced rates in Canada and to points in the United States to become effective June 14, 1920.

No. 29720, June 8, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Riverside Telephone Company, operating in the county of Oxford, Ont.

No. 29721, June 8, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Brant Telephone Company, operating in the county of Bruce, Ont.

No. 29722, June 8, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Admaston Rural Telephone Association, operating in the county of Renfrew, Ont.

No. 29733, June 9, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Port Hope Telephone Company, operating in the county of Durham, Ont.

No. 29734, June 10, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Dunsford Telephone, Light & Power Co-operative Association, operating in the county of Victoria, Ont.

No. 29738, June 12, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Point Mara Telephone Company, operating in the county of Ontario, Ont.

No. 29745, June 11, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Uptergrove Telephone Company, operating in the county of Ontario, Ont.

No. 29749, June 15, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Dingwall Telephone Company, operating in the county of Oxford, Ont.

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No. 29768, June 18, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Corporation of the Township of Osprey, operating in the county of Grey, Ont.

No. 29786, June 24, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Lanark & Carleton Counties Telephone Company, operating in the counties of Lanark and Carleton, Ont.

No. 29787, June 24, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Excelsior Telephone Company, operating in the county of Oxford, Ont.

No. 29790, June 24, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Mapleshade Telephone Company, operating in the county of Oxford, Ont.

No. 29791, June 24, 1920. Approves agreement for interchange of telephone service between the Bell Telephone Company and the Goodwood Rural Telephone Company, operating in the counties of Lanark and Carleton, Ont.

No. 29797, June 25, 1920.—Approves increased rates published in Western Union Telegraph Company's Tariff C.R.C. No. 8, to become effective June 28, 1920.

No. 29806, June 24, 1920.—Approves Supplement No. 2 to Northern Pacific Standard Tariff of Maximum Parlour Car Tolls C.R.C. No. S-6.

No. 29811, June 26, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the North Renfrew Telephone Company, operating in the county of Renfrew, Ont.

No. 29813, June 28, 1920.—Approves Standard Passenger Tariff C.R.C. No. 5 of the Cumberland Railway and Coal Company.

No. 29814, June 28, 1920.—Approves Standard Freight Mileage Tariff C.R.C. No. 10 of the Cumberland Railway and Coal Company.

No. 29817, June 29, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Fairview Telephone Company, operating in the county of Oxford, Ont.

No. 29849, June 30, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Hogg & Lytle, Limited, operating in the county of Victoria, Ont.

No. 29852, July 13, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Birch Lake Telephone Company, operating in the district of Sudbury, Ont.

No. 29854, July 13, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Desboro Telephone Company, operating in the county of Grey, Ont.

No. 29855, July 13, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Oro Telephone Company, operating in the county of Simcoe, Ont.

No. 29864, July 17, 1920.—Approves Standard Passenger Tariff C.R.C. No. 1 of the Toronto Suburban Railway Company.

No. 29865, July 10, 1920.—Prescribes students or scholars commutation rates for the Toronto Radial and the Brantford and Hamilton Electric Railway Companies.

No. 29899, July 14, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Rose Telephone Company, operating in the district of Algoma, Ont.

No. 29903, July 20, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Rydal Bank-Plummer Telephone Company, operating in the district of Algoma, Ont.

No. 29904, July 13, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Eldon Union Telephone Association, operating in the counties of Victoria and Ontario, Ont.

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No. 29908, July 14, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Zorra Telephone Company, operating in the county of Oxford, Ont.

No. 29931, July 27, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Montreal (Ontario) Telephone Company, operating in the county of Ontario, Ont.

No. 29934, July 27, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Aberdeen, Plummer, Centre Line Telephone Association, operating in the district of Algoma, Ont.

No. 29952, July 31, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Back Line Telephone Company, operating in the county of Dufferin, Ont.

No. 29953, July 31, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the South Norfolk Telephone Company, operating in the county of Norfolk, Ont.

No. 29962, July 31, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Halton Telephone Company, operating in the county of Halton, Ont.

No. 29978, August 12, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Corporation of the Township of Colchester North, operating the Colchester North Municipal Telephone System, in the county of Essex, Ont.

General Order No. 303, August 13, 1920.—Authorizes, with the exception of coal and coke, increases in the Canadian proportion of International freight rates in both directions to the same extent as rates were increased within the United States, effective on and after August 26, 1920.

No. 29984, August 13, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the New Dundee Rural Telephone Company, operating in the counties of Waterloo and Oxford, Ont.

No. 29987, August 14, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Bexley Telephone Company, operating in the county of Victoria, Ont.

No. 29991, August 14, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Arundel Development Company, operating in the counties of Terrebonne, Argenteuil and Ottawa, Que.

No. 29992, August 14, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Rutherglen Rural Telephone Company, operating in the district of Nipissing, Ont.

No. 30002, August 16, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Corporation of the Township of Dover, operating a telephone system known as the Dover Municipal Telephone System, in the county of Kent, Ont.

General Order No. 304, August 19, 1920.—Permits increases in export freight rates to Atlantic ports from stations in Canada so as to preserve the relationship between the export rates from points in the United States. Such increased rates to become effective on and after August 26, 1920.

No. 30047, August 28, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Chapeau Rural Telephone Company, operating in the county of Pontiac, Que.

No. 30063, September 3, 1920.—Approves conditions governing the acceptance of messages for the United Kingdom routed via Marconi Wireless.

General Order No. 308, September 9, 1920.—Authorizes a general increase in freight rates on steam railways of 40 per cent in Eastern Canada and 35 per cent in Western Canada until January 1, 1921, when the increase in Eastern Canada is to be

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35 per cent and in Western Canada 30 per cent. No increase allowed on crushed stone, sand and gravel. An increase of 10 per cent on cordwood for fuel and varying rates per ton on coal from 10 cents to 20 cents.

General Order No. 309, September 9, 1920.—Approves the Standard Freight and Passenger Tariffs of various railways filed under permission of General Order No. 308.

General Order No. 310, September 15, 1920.—Approves the Standard Freight and Passenger Tariffs of various railways filed under permission of General Order No. 309.

No. 30122, September 21, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Peerless Telephone Company, operating in the county of Oxford, Ont.

General Order No. 311, September 23, 1920.—Approves Standard Freight Tariffs of various railways filed under permission of General Order No. 308.

No. 30138, September 24, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Bromley Telephone Association, operating in the county of Renfrew, Ont.

No. 30142, September 25, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Farmers Telephone Company, operating in the counties of Chateauquay, Huntingdon, Beauharnois, and St. Johns, Que.

No. 30164, October 4, 1920.—Approves supplement No. 2 to Standard Passenger Tariff C.R.C. No. 214 of the Maine General Railroad Company.

No. 30178, October 4, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Bonfield Telephone Company, operating in the district of Nipissing, Ont.

No. 30179, October 4, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Corporation of the Township of Emily, operating in the county of Victoria, Ont.

No. 30216, October 12, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Corporation of the Township of Ennismore, operating in the county of Peterborough, Ont.

No. 30231, October 14, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Forest Home Telephone Company, operating in the county of Simcoe, Ont.

No. 30234, October 14, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Le Telephone Somerset (Incorporée), operating in the county of Megantic, Que.

No. 30237, October 21, 1920.—Approves Dominion Atlantic Railway Company's Form of release from liability for damage by frost.

No. 30238, October 21, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Brockville Road Rural Telephone Company, operating in the county of Leeds, Ont.

No. 30241, October 21, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Corporation of the Village of Blyth, operating in the county of Huron, Ont.

No. 30274, October 27, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the R. H. Edgar (Edgar Telephone System), operating in the county of Dufferin, Ont.

No. 30284, November 1, 1920.—Approves Supplement No. 1 to Standard Passenger Tariff C.R.C. No. 5 of the Cumberland Railway and Coal Company.

No. 30285, November 1, 1920.—Approves Supplement No. 1 to Standard Freight Mileage Tariff C.R.C. No. 10 of the Cumberland Railway and Coal Company.

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No. 30293, November 1, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Corporation of the Township of Tyendinaga, operating in the county of Hastings, Ont.

No. 30298, November 8, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Ben Allen Telephone Company, operating in the county of Grey, Ont.

No. 30303, November 9, 1920.—Approves Standard Freight Mileage Tariff C.R.C. No. B-11 of the Western Canada Power Company (Stave Lake Railway).

No. 30308, November 9, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Corporation of the Township of Brooke, operating in the counties of Lambton and Middlesex, Ont.

No. 30313, November 9, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Centre Thorah Telephone Association, operating in the county of Ontario, Ont.

No. 30343, November 18, 1920.—Approves agreement for interchange of telephone Service between the Bell Telephone Company and the Bond's Corners Telephone Company, operating in the county of Oxford, Ont.

No. 30368, November 26, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Omemee Telephone Company, operating in the counties of Victoria and Durham, Ont.

No. 30371, November 26, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the South McNaughton Telephone Company, operating in the county of Renfrew, Ont.

No. 30376, November 29, 1920.—Approves Supplement No. 1 to Standard Freight Mileage Tariff C.R.C. No. 132 of the British Columbia Electric Railway Company.

General Order No. 319, November 30, 1920.—Declares proper charge for milling-in-transit within Canada of grain, the product of which is re-shipped to the United States, was 1 cent per 100 pounds on and after August 26, 1920.

No. 30382, November 30, 1920.—Approves Standard Passenger Tariff C.R.C. No. 42 of the Chatham, Wallaceburg and Lake Erie Railway Company.

No. 30383, November 30, 1920.—Approves Supplement No. 1 to Standard Freight Mileage Tariff C.R.C. No. 576 of the Chatham, Wallaceburg and Lake Erie Railway Company.

No. 30392, November 30, 1920.—Approves Standard Freight Mileage Tariff C.R.C. No. 269 of the Windsor, Essex and Lake Shore Rapid Railway Company.

No. 30409, December 2, 1920.—Approves Supplement No. 1 to Standard Passenger Tariff C.R.C. No. 8 of the British Columbia Electric Railway Company.

General Order No. 320.—Requires express companies to carry pasteurized cream at the same rate as in effect for ordinary cream.

No. 30433, December 9, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the O'Connell-Rathburn Telephone Company, operating in the county of Ontario, Ont.

No. 30434, December 9, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Wahnapiatae Power Company, operating in the district of Sudbury, Ont.

No. 30435, December 13, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Air Board, operating in the county of Simcoe, Ont.

General Order No. 323, December 14, 1920.—Approves Supplements to Standard Passenger Tariff of various railways to become effective January 1, 1921, on the reduced basis prescribed by General Order No. 308.

General Order No. 324, December 14, 1920.—Approves reduced Standard Freight Mileage Tariffs to become effective January 1, 1921, on the basis prescribed by General Order No. 308.

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No. 30438, December 14, 1920.—Approves Standard Passenger Tariff C.R.C. No. 6, of the Cumberland Railway and Coal Company.

No. 30446, December 17, 1920.—Prescribes the basis for rates on fish, carloads, by express from Riverton and Gimli, Man., to stations in the United States.

No. 30456, December 16, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Purbrook and Fraserburg Telephone Company, operating in the district of Muskoka, Ont.

No. 30483, December 21, 1920.—Approves agreement for interchange of telephone Service between the Bell Telephone Company and the La Compagnie de Telephone Locale de D'Israeli, operating in the county of Wolfe, Que.

I have the honour to be, sir,

Your obedient servant,

J. HARDWELL,
Chief Traffic Officer.

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APPENDIX "C"

REPORT OF THE OPERATING DEPARTMENT FOR THE YEAR ENDING
DECEMBER 31, 1920

March 8, 1921.

DEAR SIR:—I have the honour to submit herewith, for the Board's Sixteenth Annual report, a synopsis of work performed by the Operating Department during the twelve months ending December 31, 1920.

REPORTING AND INVESTIGATING OF ACCIDENTS ATTENDED BY PERSONAL INJURY OR LOSS OF LIFE

During the twelve months accidents to the number of 2,093, covering 254 persons killed and 2,330 persons injured were reported to the Board by the various railway companies under its jurisdiction. For particulars, attention is directed to statements 1, 3 and 4.

A perusal of statements Nos. 2, 5 and 6, which are comparative statements of the killed and injured, as between passengers, employees and others; class of accident and railways, reveals an increase of 31 persons killed and 828 persons injured over the preceding nine months.

Out of a total of 2,093 accidents reported, as above referred to, 1,344 were investigated, covering 240 persons killed and 1,606 injured. Statements Nos. 7, 8, 9 and 10 set out in detail the investigations made as regards collisions, derailments, highway crossing accidents, also accidents the result of working on or under engines. These four statements show a total of 519 investigations covering 106 persons killed and 841 persons injured. The remainder of the investigations, which number 825, covering 134 persons killed and 765 persons injured, are spread over accidents covered by the various other headings referred to in statements Nos. 3, 4 and 5.

It will be observed that out of the total of 254 persons killed and 2,330 injured, there were trespassers to the number of 73 killed and 120 injured. In this connection reference is made to statement No. 15 which shows the number killed and injured by railways and provinces.

The matter of highway crossing accidents, protection provided, etc., is set out in detail in statements Nos. 3, 4, 5, 9, 11, 12, 13, 14 and 15.

It is pointed out that the number of accidents at highway crossings involving automobile traffic is on the increase. A perusal of statement No. 15 shows that there have been 332 accidents in this respect between April 1, 1916, and December 31, 1920, made up as follows: 36 in 1917, 54 in 1918, 66 in 1919, 60 in 1919 (9 months period), and 116 in 1920.

INSPECTION OF SAFETY APPLIANCES

The work in this connection is largely carried on under the provisions of section 298 of the Act and General Order No. 102. The year's work is set out in detail in statements Nos. 19, 20, 21A and B. It is needless to say that the inspection of 66,108 cars entails considerable time and labour, both as regards field work, and the resultant checking, recording and filing of the numerous reports, in addition to the correspondence necessary in following up with a view to having the railway companies take the necessary action to have the defects remedied. The inspection of 66,108 cars produced 3,135 defective cars (4.74 per cent) with defects totalling 3,770.

INSPECTION OF MOTIVE POWER

This division of the work embraces the entire locomotive and tender, and is carried out under sections 298, 299, 300 and 301 of the Railway Act and General Orders Nos. 12, 31, 66, 78, 102, 107, 131, 171, 199, 226, 289 and 293.

Under General Order No. 78, the so-called "Boiler Inspection Order," some 66,000 report forms comprising the monthly and annual inspections of locomotive boilers and appurtenances were filed during the year.

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During the year locomotives to the number of 9,146 were inspected with defective engines totalling 1,235 (13 per cent) and total defects of 1,518. For details reference is made to statement No. 22.

The checking and recording of the above mentioned forms and reports, together with the correspondence involved, naturally creates an extensive line of work.

INSPECTION OF PASSENGER EQUIPMENT, STATION BUILDINGS AND PREMISES

This work comprises features of safety, cleanliness, accommodation, etc. A large number of matters have been brought to the attention of the proper officials with beneficial results.

APPLICATIONS AND COMPLAINTS RE TRAIN AND STATION SERVICE, HIGHWAY CROSSING PROTECTION, STATION LOCATIONS, CAR SUPPLY, ETC., ETC.

The work under this heading covers a wide range of subjects, and entails, in many instances, a considerable amount of inquiry and research. During the year complaints and applications numbering in the neighbourhood of 1,000 were inquired into and reported upon.

In conclusion it might be stated that in order to accomplish the work briefly outlined above it has necessitated the travelling of the staff of this department, approximately, 400,000 miles.

Yours faithfully,

GEO. SPENCER,

Chief Operating Officer.

Mr. A. D. CARTWRIGHT,
Secretary, B.R.C.

No. 1.—STATEMENT showing number of passengers, employees and others, killed and injured on the various railways in Canada, under the Board's jurisdiction, for the twelve months ending December 31, 1920.

Name of Railway	Passengers		Employees		Others		Total	
	Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured
Grand Trunk.....	2	161	21	558	47	147	70	866
Canadian Pacific.....	12	126	32	261	66	122	110	509
Canadian National.....	2	64	17	596	24	72	43	732
Quebec, Montreal and Southern....		3		8	1	3	1	14
Dominion Atlantic.....			1	3			1	3
Wabash.....				10				10
Hull Electric.....				1	1		1	1
New York Central.....		4		4		2		10
Napierville Jct.....					4	2	4	2
Grand River.....		2		1		2		5
Toronto, Hamilton and Buffalo...			1	12		4	1	16
Kettle Valley.....	1	2		10		1	1	13
Michigan Central.....			2	32	5	5	7	37
Algoma Central and Hudson Bay...				1				1
Maine Central.....					1		1	
Algoma Eastern.....						1		1
Montreal and Southern Counties...		2						2
British Columbia Electric.....					1	1	1	1
Brantford and Hamilton Electric...			1	3	2	2	3	5
Central Vermont.....		3						3
Windsor, Essex and Lake Shore...				1		1		2
Lake Erie and Northern.....		1		2		2		5
Grand Trunk Pacific.....		1	4	29	2		6	30
Hamilton Radial.....		4		2	2	3	2	9
Vancouver, Victoria and Eastern...		5		30		3		38
Pere Marquette.....				3		5		8
Quebec Oriental.....			1	1			1	1
Esquimalt and Nanaimo.....		1		2	1	2	1	5
Midland.....						1		1
	17	379	80	1,570	157	381	254	2,330

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No. 2.—COMPARATIVE STATEMENT of killed and injured during nine months ending December 31, 1919, and twelve months ending December 31, 1920.

	Passengers		Employees		Others		Total	
	Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured
Nine months ending Dec. 31, 1919.	4	274	91	951	128	277	223	1,502
Twelve months ending Dec. 31, 1920.....	17	379	80	1,570	157	381	254	2,330
Increase.....	13	105		619	29	104	31	828
Decrease.....			11					

No. 3.—STATEMENT showing separately the number of passengers, employees and others killed and injured, and the nature of the accidents, for twelve months ending December 31, 1920.

Character of Accidents	Passengers		Employees		Others		Total	
	Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured
Derailment.....		174	10	138	1	4	11	316
Collision, head-on.....		16		50				66
Collision, rear-end.....	8	31	2	25	4	2	14	58
Collision in yard.....		1	2	41		3	2	45
Collision with cars standing foul.....		1		3				4
Collision with cars account open switch.....		4		17				21
Collision at level (diamond) crossing.....		4						4
Public highway crossing protected by gates.....					6	14	6	14
Public highway crossing protected by bell.....				2	6	27	6	29
Public highway crossing protected by watchman.....			1		3	8	4	8
Public highway crossing unprotected.....					52	164	52	164
Private crossing.....					2	10	2	10
Trespassing.....			1	4	72	116	73	120
Working on or under engine.....			3	232			3	232
Miscellaneous.....		63	1	293	6	20	7	376
Adjusting couplers, coupling and uncoupling.....			6	101			6	101
Run down by engine or car between stations.....			9	8			9	8
Falling off hand car, motor or velocipede.....			1	49			1	49
Hand car, motor, velocipede struck by train.....		1	6	42		1	6	44
Crawling under cars.....				1				1
Crawling between cars over couplers.....			1	8	1		2	8
Passing between cars between couplers.....			2	3			2	3
Struck by cars standing foul.....				10				10
Struck by switchstand, waterspout, mail crane, etc.....				43				43
Crushed between cars and buildings, lumber piles, platforms, etc.....				16				16
Explosion of locomotive boiler.....								
Falling off passenger train.....	1	18	2	5		1	3	24
Falling off tender while handling coal.....				2				2
Falling off tender while taking water.....				9				9
Industrial.....			2	58			2	58

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No. 3.—STATEMENT showing separately the number of passengers, employees and others killed and injured, and the nature of the accidents, for twelve months ending December 31, 1920.—*Concluded.*

Character of Accidents	Passengers		Employees		Others		Total	
	Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured
Riding on pilot or foot board of engine.....			2	16			2	16
Overhead obstruction.....				3				3
Repairing cars on repair track when moved.....								
Falling off top of car.....			3	33			3	33
Falling between cars.....			3	2			3	2
Application of air brake.....		7		46				53
Jumping off train in motion.....	4	31		30		1	4	62
Attempt to board train in motion..		25		30		2		57
Washout.....			1	2			1	2
Bridge gave way or destroyed by fire.....					1	2	1	2
Electrocuted.....								
Run down by engine or cars at stations or in yards.....	4	3	19	69	3	4	26	76
Passing too close around end of string of cars.....								
Caught in frog, guard rail, or switch rod.....				3				3
Caught by engine or car while throwing switch.....				4				4
Falling off side and end ladders of cars.....				23				23
Falling off car while working hand brake.....			2	29			2	29
Asphyxiated in tunnel.....								
Handling freight and baggage.....				33				33
Loading and unloading O.C.S. material.....				36				36
Staking or poling cars.....				1				1
Working in coal chute.....				8				8
Cars moved while being loaded or unloaded.....				13		2		15
Drawbridge open.....								
Carmen working on or under cars on running track when moved....				16				16
Chaining and unchaining cars..				1				1
Coupling and uncoupling hose and turning angle cock.....			1	12			1	12
	17	379	80	1,570	157	381	254	2,330

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No. 5.—COMPARATIVE STATEMENT in totals of killed and injured during nine months ending December 31, 1919, and twelve months ending December 31, 1920.

Character of Accidents	9 months 1919		12 months 1920		1920			
					Increase		Decrease	
	K.	I.	K.	I.	K.	I.	K.	I.
Derailment.....	13	247	11	316		69	2	
Collision, head-on.....	4	85		66			4	19
Collision, rear-end.....	1	15	14	58	13	43		
Collision in yard.....		21	2	45	2	24		
Collision with cars standing foul.....		1		4		3		
Collision with cars account open switch.....	2	20		21		1	2	
Collision at level (diamond) crossing.....		3		4		1		
Public highway crossing protected by gates.....	4	9	6	14	2	5		
Public highway crossing protected by bell.....	4	7	6	29	2	22		
Public highway crossing protected by watchman..	4	9	4	8				1
Public highway crossing unprotected.....	36	138	52	164	16	26		
Private crossing.....	3	13	2	10			1	3
Trespassing.....	64	68	73	120	9	52		
Working on or under engine.....		97	3	232	3	135		
Miscellaneous.....	12	237	7	376		139	5	
Adjusting couplers, coupling and uncoupling.....	3	59	6	101	3	42		
Run down by engine or car between stations.....			9	8	9	8		
Falling off hand car, motor, or velocipede.....	5	49	1	49			4	
Hand car, motor, velocipede struck by train.....	7	8	6	44		36	1	
Crawling under cars.....		1		1				
Crawling between cars over couplers.....		4	2	8	2	4		
Passing between cars between couplers.....	1	2	2	3	1	1		
Struck by cars standing foul.....	2	4		10		6	2	
Struck by switch stand, water spout, mail crane, etc.		25		43		18		
Crushed between cars and buildings, lumber piles, platforms, etc.....		6		16		10		
Explosion of locomotive boiler.....								
Falling off passenger train.....	1	17	3	24	2	7		
Falling off tender while handling coal.....	1	3		2			1	1
Falling off tender while taking water.....		8		9		1		
Industrial.....	3	18	2	58		40	1	
Riding on pilot or foot board of engine.....	2	14	2	16		2		
Overhead obstruction.....		8		3				5
Repairing cars on repair track when moved by engine.....		1						1
Falling off top of car.....	7	37	3	33			4	4
Falling between cars.....	1	5	3	2	2			3
Application of air brake.....	1	18		53		35	1	
Jumping off train in motion.....	1	54	4	62	3	8		
Attempt to board train in motion.....	1	31		57		26	1	
Washout.....			1	2	1	2		
Bridge gave way or destroyed by fire.....			1	2	1	2		
Electrocuted.....								
Run down by engine or cars at stations or in yards.	27	41	26	76		35	1	
Passing too close around end of string of cars.....								
Caught in frog, guard rail, or switch rod.....		3		3				
Caught by engine or car while throwing switch.....		2		4		2		
Falling off side and end ladders of cars.....		13		23		10		
Falling off car while working hand brake.....		11	2	29	2	18		
Asphyxiated in tunnel.....	1						1	
Handling freight and baggage.....	1	20		33		13	1	
Loading and unloading O.C.S. material.....	3	15		36		21	3	
Staking or poling cars.....				1		1		
Working in coal chute.....		4		8		4		
Cars moved while being loaded or unloaded.....		6		15		9		
Drawbridge open.....								
Carmen working on or under cars on running track when moved.....	1	2		16		14	1	
Chaining and unchaining cars.....				1		1		
Coupling and uncoupling hose and turning angle cock	1	3	1	12		9		
Working on track or bridge.....	5	36					5	36
Locomotive dropping crown sheet of fire box.....		4						4
Building and repairing.....	1						1	
	223	1,502	254	2,330	73	905	42	77
	254	2,330					73	905
Increase.....	31	828					31	828

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No. 6.—COMPARATIVE STATEMENT in totals of killed and injured during nine months ending December 31, 1919, and twelve months ending December 31, 1920.

Name of Railway	9 months, 1919		12 months, 1920		12 months, 1920			
	K.	I.	K.	I.	Increase		Decrease	
					K.	I.	K.	I.
Grand Trunk.....	56	651	70	866	14	215		
Canadian Pacific.....	94	363	110	509	16	146		
Canadian National.....	46	322	43	732		410	3	
Grand Trunk Pacific.....	3	42	6	30	3			12
Quebec Central.....	1						1	
Toronto, Hamilton and Buffalo.....	1	7	1	16		9		
Grand River.....	1	2		5		3	1	
Brantford and Hamilton.....	2	1	3	5	1	4		
Esquimaux and Nanaimo.....		2	1	5	1	3		
Michigan Central.....	6	45	7	37	1			8
Quebec, Montreal and Southern.....		7	1	14	1	7		
Kettle Valley.....		4	1	13	1	9		
Algoma Central and Hudson Bay.....	2	6		1			2	5
Windsor, Essex and Lake Shore.....		5		2				3
Wabash.....	3	12		10			3	2
New York Central.....	2	6		10		4	2	
Lake Erie and Northern.....	1	11		5			1	6
Vancouver, Victoria and Eastern.....	4	8		38		30	4	
Père Marquette.....	1	3		8		5	1	
Maine Central.....		2	1		1			2
Hamilton Radial.....		3	2	9	2	6		
British Columbia Electric.....			1	1	1	1		
Hull Electric.....			1	1	1	1		
Dominion Atlantic.....			1	3	1	3		
Napierville Jct.....			4	2	4	2		
Algoma Eastern.....				1		1		
Montreal and Southern Counties.....				2		2		
Central Vermont.....				3		3		
Quebec Oriental.....			1	1	1	1		
Midland.....				1		1		
	223	1,502	254	2,330	49	866	18	38
	254	2,330					49	866
Increase.....	31	828					31	828

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No. 7.—STATEMENT showing collisions attended by personal injury investigated during the year ending December 31, 1920.

File	Date	Railway	Place	Killed	Injured
Inv. 8298...	Jan. 16....	C.P.R.....	Chalk River Yard, Ont.....		3
" 8302...	Jan. 25....	C.P.R.....	Corbeil, Ont., 2 miles east.....	9	21
" 8305...	Dec. 17....	G.T.P.....	Regina Wye, Sask.....		2
" 8307...	Jan. 1....	C.N.R.....	Canora, Sask.....	2	1
" 8313...	Jan. 14....	G.T.R.....	Midland station, Ont.....		2
" 8316...	Jan. 1....	C.P.R.....	Winnipeg Depot, Man.....		1
" 8322...	Jan. 28....	G.T.R.....	Madawaska, Ont.....		2
" 8326...	Dec. 22....	C.N.R.....	Humbolt, Sask., west end of yard.....		1
" 8331...	Jan. 25....	C.N.R.....	Rosetown, Sask.....		1
" 8337...	Jan. 30....	C.P.R.....	Sudbury Yard, Ont.....		2
" 8342...	Feb. 1....	C.P.R.....	Deux Rivieres, Ont.....		1
" 8352...	Jan. 15....	M.C.R.....	Welland, Ont.....		1
" 8360...	Dec. 18....	C.N.R.....	Jellicoe, Ont., 5½ poles west of east switch.....		1
" 8361...	Jan. 30....	C.N.R.....	Bethune, Sask.....	1	
" 8366...	Jan. 2....	C.P.R.....	Toronto Terminals, Cabin "C".....		2
" 8372...	Feb. 4....	G.T.R.....	South River, Ont.....		1
" 8375...	Feb. 1....	G.T.R.....	North Bay Yard, Ont.....		1
" 8411...	Nov. 23....	V.V. & E...	Colebrook, B.C., Bridge 70, 1 mile south.....		1
" 8420...	Jan. 7....	V.V. & E...	Vancouver Yard, B.C.....		1
" 8429...	Jan. 25....	C.P.R.....	Brooks, Alta.....		1
" 8484...	Mar. 9....	C.P.R.....	Pogamasing, Ont.....		2
" 8512...	Feb. 16....	G.T.R.....	Ridgeway, Ont.....		7
" 8518...	Mar. 19....	G.T.R.....	Brighton, Ont., near station.....		1
" 8535...	Feb. 27....	Ham. Rad.	Hamilton, Princess St.....		3
" 8548...	Feb. 27....	C.N.R.....	Mileage 157-6, Brazeau Subdivision, Alta.....		10
" 8587...	Mar. 6....	C.N.R.....	Alexander Jct., Que., 1 mile west.....		2
" 8632...	April 17....	G.T.R.....	Burlington Jct., Ont.....		2
" 8633...	April 7....	C.N.R.....	Sudbury Yard, Ont.....		1
" 8640...	Feb. 12....	C.N.R.....	Prince Albert, Sask.....		2
" 8644...	Mar. 11....	P.M.R.....	Wallaceburg, Ont.....		1
" 8741...	April 30....	G.T.R.....	London Yard, Ont.....		1
" 8749...	May 8....	C.P.R.....	Spicer, Ont.....		7
" 8771...	April 28....	H.R.E.....	Hamilton, Birch Avenue, Ont.....		1
" 8777...	May 10....	C.P.R.....	Sherbrooke, Que.....		6
" 8784...	May 21....	C.P.R.....	Smiths Falls, Ont.....		1
" 8854...	June 25....	G.T.R.....	Hadlow, Que.....	1	10
" 8891...	June 16....	G.T.R.....	Grimsby, Ont.....		1
" 8907...	July 3....	G.T.R.....	Port Union, Ont., ½ mile west.....		1
" 8915...	May 21....	C.N.R.....	Yarker Yard, Ont.....		2
" 8933...	July 20....	G.T.R.....	Port Hope, Ont., east of station.....		1
" 8968...	July 24....	B. & H.....	Langford Siding, Ont.....		1
" 8997...	July 30....	C.P.R. & L.			
		St. Ry....	London, Ont., Richmond St.....		3
" 9025...	Aug. 11....	G.T.R.....	Ingersoll, Ont.....	3	
" 9031...	June 26....	G.N.R.....	White Rock, B.C.....		4
" 9049...	Aug. 12....	G.T.R.....	Turcot Yard, Que.....		1
" 9052...	July 16....	C.N.R.....	Vermillion Yard, Alta.....		1
" 9055...	Aug. 10....	G.T.P.....	Hawkins, Alta.....		5
" 9097...	July 8....	G.T.R.....	Belleville Yard, Ont.....		1
" 9107...	Aug. 16....	C.N.R.....	Lake Joseph, Ont.....		2
" 9117...	Aug. 17....	C.N.R.....	Parry Sound, Ont.....		7
" 9150...	Sept. 14....	G.T.R.....	Woodstock, Ont., 2 miles east.....		1
" 9156...	Sept. 1....	G.T.R.....	St. George, Ont.....		1
" 9211...	Aug. 19....	C.N.R.....	White Otter, Ont.....		1
" 9277...	Sept. 28....	C.N.R.....	Canora, Sask.....	4	2
" 9293...	Oct. 2....	N. St. C. & T.....	Thorold, Ont.....		13
" 9296...	Oct. 13....	L. E. & N..	Lutesville, Ont.....		1
" 9300...	Oct. 11....	G.T.R.....	Toronto, Ont.....		1
" 9303...	Oct. 5....	G.T.R.....	Allandale, Ont.....		1
" 9312...	Oct. 11....	M.C.R.....	Windsor, Ont.....		1
" 9318...	Oct. 17....	G.T.R.....	Sarnia, Ont.....		1
" 9339...	Oct. 16....	C.N.R.....	Liverpool, N.S.....		1
" 9352...	Oct. 14....	C.N.R.....	McKirdy, Ont.....		1
" 9382...	Oct. 9....	C.P.R.....	Murdock, Man.....		1
" 9385...	Oct. 7....	C.P.R.....	Indian Head, Sask.....		1
" 9392...	Oct. 20....	C.P.R.....	Ondrift, Ont.....	1	
" 9405...	Nov. 6....	C.P.R.....	Broadview, Sask.....		1

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No. 7.—STATEMENT showing collisions attended by personal injury investigated during the year ending December 31, 1920.—*Continued.*

File	Date	Railway	Place	Killed	Injured
Iuv. 9406...	Nov. 3....	C.P.R.....	Minnedosa, Man.....		1
" 9409...	Nov. 19....	C.P.R.....	Outremont Yard, Que.....		1
" 9421...	Nov. 1....	C.N.R.....	Thorold, Ont., Pine Street Siding.....		1
" 9427...	Nov. 5....	C.N.R.....	Silver Plains, Man.....		1
" 9432...	Nov. 20....	G.T.R.....	Linwood, Ont.....		1
" 9439...	Oct. 12....	G.N.R.....	Vancouver, B.C.....		1
" 9470...	Sept. 20....	C.P.R.....	Oakville, Ont.....		2
" 9474...	Nov. 21....	C.P.R.....	Lake Louise, Alta., 4 miles west.....		7
" 8518...	Oct. 20....	C.N.R.....	Belleville Yard, Ont.....		1
" 9525...	Dec. 8....	C.P.R.....	North Transcona Yard, Man.....		2
" 9546...	Nov. 25....	C.N.R.....	Melville, Sask.....		1
" 9549...	Dec. 14....	G.T.R.....	Richmond Yard, Que.....		1
" 9553...	Dec. 7....	G.T.R.....	Brantford, Ont., St. Pauls Subway.....		1
" 8913...	July 2....	H.R.C. & T.H. & B.	Hamilton, Ont., Ottawa Street.....		1
" 9122...	Aug. 17....	C.N.R.....	Washago Diamond, Ont.....		1
81				21	184

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No. 8.—STATEMENT showing derailments attended by personal injury investigated during the year ending December 31, 1920.

File	Date	Railway	Place	Killed	Injured
Inv. 8267...	Dec. 29...	G.T.R.....	Merritton Yard, Ont.....		1
" 8272...	Dec. 11...	C.N.R.....	Warden, Man., 4 poles south.....		1
" 8292...	Dec. 26...	C.P.R.....	Fredericton Jct., N.B.....		2
" 8293...	Jan. 1...	C.N.R.....	Mecheche, Alta.....		1
" 8294...	Dec. 4...	C.N.R.....	M.P. 79, Kindersley Subdivision, Alta.....		2
" 8301...	Dec. 3...	C.N.R.....	Kylemore, Sask.....		1
" 8306...	Nov. 29...	C.N.R.....	Chua Chua, B.C., M.P. 90-9, Kamloops Sub.....		1
" 8312...	Jan. 20...	G.T.R.....	Campbellford, Ont., 2½ miles west.....		9
" 8373...	Feb. 2...	C.N.R.....	M.P. 97, near Brighton, Ont.....		1
" 8384...	Feb. 21...	G.T.R.....	M.P. 204, near South Powassen, Ont.....		2
" 8385...	Feb. 5...	G.T.R.....	Hespeler, 1¼ miles South, Ont.....		5
" 8412...	Dec. 2...	C.N.R.....	M.P. 581, Alta., Vermillion Subdivision.....		2
" 8437...	Feb. 19...	G.T.R.....	Howick, Que., 2 miles north.....		1
" 8438...	Feb. 17...	G.T.R.....	Dalkeith, Ont., near water tank.....		3
" 8439...	Feb. 16...	G.T.R.....	Coteau Jct., Que., Farm Crossing.....		1
" 8446...	Jan. 29...	C.V.R.....	Granby, Que.....		3
" 8449...	Jan. 27...	C.N.R.....	Pinewood, Ont., M.P. 275½.....		1
" 8464...	Mar. 2...	C.N.R.....	Ascalon, Ont., ½ mile west, Mileage 19.....		1
" 8470...	Mar. 2...	C.P.R.....	Megantic, Que.....		1
" 8483...	Mar. 1...	C.P.R.....	Mileage 38½, west of Metagama.....		9
" 8491...	Feb. 19...	C.N.R.....	Oba, Ont.....		1
" 8516...	Mar. 8...	G.T.R.....	Belleville, Ont.....		1
" 8528...	Mar. 10...	G.T.P.....	Biggar Yard, Sask.....		1
" 8536...	Jan. 21...	C.N.R.....	Mileage 168, near Bucktown, N.S.....		1
" 8545...	Mar. 6...	C.P.R.....	Glenton, Que.....		2
" 8546...	Jan. 22...	Q.O.R.....	Nouvelle, Que.....		1
" 8547...	Mar. 22...	C.N.R.....	Mileage 234-6, near Belleville, N.S.....		12
" 8554...	Jan. 31...	C.N.R.....	Lytton, B.C.....		2
" 8556...	Feb. 27...	C.N.R.....	M.P. 369, Alta., 12 poles west, Calgary Sub.....		7
" 8566...	April 3...	G.T.R.....	Carthew, Ont.....		1
" 8569...	Dec. 11...	C.N.R.....	McGee, Sask.....		1
" 8570...	April 2...	C.N.R.....	St. Margarets, N.S.....		1
" 8591...	April 13...	C.N.R.....	Colbright Pit, Ont.....		1
" 8614...	Mar. 24...	C.N.R.....	Irvine, B.C.....		1
" 8641...	Feb. 25...	G.T.P.....	Ebenezer, Sask.....	1	
" 8643...	Mar. 18...	C.N.R.....	Ladysmith, Man.....		4
" 8649...	Mar. 19...	C.N.R.....	M.P. 111½, Shellbrook Sub., Sask.....	1	
" 8652...	Feb. 2...	C.N.R.....	Summit Club, Que.....		2
" 8658...	Mar. 17...	C.N.R.....	McArthur, Ont.....		6
" 8665...	April 22...	C.P.R.....	Pincher Yard, Alta.....		1
" 8670...	April 7...	G.T.R.....	Black water Jct., Ont.....		3
" 8682...	April 3...	C.N.R.....	Peesane, Sask.....		8
" 8719...	May 5...	G.T.R.....	Paisley, Ont.....		1
" 8723...	Mar. 15...	C.N.R.....	Crooked Lake, Sask.....		1
" 8727...	April 6...	C.N.R.....	North Lake, Ont., 8 poles west.....		1
" 8746...	April 19...	C.P.R.....	otton Springs, Que.....		9
" 8764...	May 13...	C.P.R.....	Healey, Ont.....		1
" 8797...	May 23...	C.P.R.....	Galt, Ont.....		2
" 8806...	May 22...	C.P.R.....	Roots, N.B.....		2
" 8810...	April 20...	C.N.R.....	Marcy, B.C.....		3
" 8851...	May 10...	C.P.R.....	Willow River, B.C.....		4
" 8852...	May 23...	C.N.R.....	Lamoral, Alta.....		1
" 8874...	June 24...	G.T.P.....	Ancrum, Sask.....		1
" 8919...	July 18...	C.N.R.....	Mileage 24, Pembroke Sub., Ont.....		2
" 8904...	May 15...	C.N.R.....	Dufresne, Ont.....		1
" 8937...	July 10...	C.P.R.....	Ingolf, Ont., 2-6 miles east.....		1
" 8938...	July 8...	G.T.R.....	Victoriaville, Que.....		1
" 8954...	July 30...	G.T.R.....	St. Marys, Ont.....		2
" 8956...	July 21...	G.T.R.....	Kellys, Ont., ½ mile west.....		3
" 8973...	April 25...	C.N.R.....	Harling, Alta.....	1	2
" 9016...	July 10...	C.P.R.....	Mileage 62, Maniwaki Sub. Que.....		2
" 9047...	July 27...	G.T.P.....	Gainford, Alta.....	1	1
" 9048...	July 18...	C.N.R.....	Gonor, Man.....		1
" 9050...	Aug. 14...	G.T.R.....	Waterville, Que.....		22
" 9069...	July 23...	A.C. & H.B.	Searchmont, Ont.....	1	2
" 9071...	Aug. 11...	P.M.R.....	McGregor, Ont.....		2
" 9075...	July 30...	C.N.R.....	Sudbury, Ont.....		1
" 9085...	Aug. 11...	G.T.R.....	Fort Erie, Ont.....		2

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No. 8.—STATEMENT showing derailments attended by personal injury investigated during the year ending December 31, 1920.—*Continued.*

File	Date	Railway	Place	Killed	Injured
Inv. 9087...	Aug. 23....	G.T.R.....	Lorneville Jct., Ont.....		1
" 9089...	Aug. 18....	G.T.P.....	Tako, Sask.....		1
" 9128...	Aug. 23....	C.P.R.....	Abernethy, Sask.....		2
" 9132...	Aug. 12....	G.T.P.....	Regina, Sask.....		1
" 9135...	Aug. 27....	G.T.R.....	Windsor Mills, Que.....		1
" 9171...	Sept. 26....	C.P.R.....	Castleford, Ont.....		1
" 9202...	Aug. 20....	G.T.R.....	Hamilton, Ont.....		1
" 9228...	Sept. 10....	G.T.R.....	Georgetown, Ont.....		1
" 9247...	Sept. 22....	C.P.R.....	Labarthe, B.C.....		1
" 9262...	Oct. 11....	G.T.R.....	Aylmer, Ont.....		1
" 9280...	Sept. 9....	C.N.R.....	Makaroff, Man.....		4
" 9283...	Oct. 21....	G.T.R.....	Burlington Jct., Ont.....		1
" 9290...	Sept. 19....	C.N.R.....	Shawmere, Ont., 3·3 miles west.....		1
" 9320...	Oct. 12....	C.P.R.....	DeSales, Que.....		21
" 9329...	Sept. 17....	C.N.R.....	McAbee, B.C.....	1	1
" 9340...	Oct. 13....	D.A.R.....	Truro, N.S.....	1	3
" 9342...	Sept. 11....	C.N.R.....	Boutiliers, N.S.....		1
" 9354...	Oct. 26....	C.N.R.....	Long Lake, Ont.....		1
" 9377...	Oct. 10....	G.T.R.....	Pt. St. Charles, Que.....		1
" 9387...	Nov. 17....	C.N.R.....	Azen, Ont., west of.....		1
" 9388...	Nov. 19....	C.P.R.....	Pogamasing, Ont., 2 miles east.....		23
" 9417...	Nov. 25....	G.T.R.....	York, Ont., $\frac{3}{4}$ miles east.....	2	25
" 9437...	Sept. 29....	K.V.R.....	Midsay, B.C., west of M.P. 85·1.....		1
" 9480...	Nov. 15....	G.T.R.....	Brantford, Ont.....		1
" 9482...	Nov. 17....	C.N.R.....	Rawdon Jct., Que., 1½ miles west.....		1
" 9485...	Oct. 7....	C.N.R.....	Pyramid, B.C.....		1
" 9505...	Nov. 24....	G.T.R.....	Jarvis, Ont.....		1
" 9517...	Oct. 21....	C.N.R.....	Vonda, Sask.....		1
" 9520...	Sept. 28....	C.N.R.....	M.P. 12, Lovett Subdivision, Alta.....		1
" 9521...	Oct. 2....	C.N.R.....	M.P. 3·5, Mountain Park Sub., Alta.....		1
" 9552...	Dec. 14....	Q.M. & S...	Yamaska, St. Catherine Bridge, Que.....	1	8
" 9561...	Dec. 18....	M.C.R.....	Windsor, Ont.....		1
" 9572...	Dec. 3....	C.N.R.....	Neepawa, Man.....		1
101				10	288

No. 9.—STATEMENT showing highway crossing accidents attended by personal injury investigated during the year ending December 31, 1920.

File	Date	Time	Railway	PLACE	Killed	Injured	Protection	Remarks
Inv. 8224	Nov. 25	10.11 a.m.	K.V.R.	Merritt, second crossing west of station, B.C.	-	1	Unprotected	Automobile
" 8226	Oct. 9	7.25 a.m.	C.N.R.	Montreal, Que., Gamble Street.	1	-	Unprotected	Pedestrian
" 8229	Dec. 3	8.30 a.m.	M.C.R.	Windsor, Ont., Gravel Road.	1	1	Gates	Pedestrians
" 8230	Dec. 14	2.22 p.m.	M.C.R.	Ruscombe, Ont., crossing 1 mile west.	1	-	Unprotected	Horse and rig
" 8231	Dec. 11	1.20 p.m.	H.R.E.	Cainsville, Ont., crossing east.	1	1	Unprotected	Automobile
" 8232	Dec. 10	11.40 a.m.	C.P.R.	Lake Shore, Ont., Howard Road.	-	2	Unprotected	Automobile
" 8233	Dec. 20	6.30 p.m.	C.P.R.	Cooksville, Ont., crossing east of station.	-	1	Unprotected	Automobile
" 8238	Dec. 19	9.20 a.m.	M.C.R.	Comber, Ont., crossing one mile south.	-	-	Unprotected	Automobile
" 8239	Oct. 31	3.25 p.m.	C.N.R.	Montreal, Que., Bourbonniere Street.	1	-	Unprotected	Automobile
" 8240	Nov. 26	2.45 p.m.	G.T.R.	Hamilton, Ont., Victoria Avenue.	-	1	Unprotected	Horse and rig
" 8242	Dec. 16	11.48 a.m.	L.E. & N.	Brantford, Ont., Gilkinson Street.	-	1	Unprotected	Pedestrian
" 8244	Dec. 2	10.45 a.m.	C.P.R.	Chatham, Ont., Raleigh Street.	-	1	Unprotected	Horse and rig
" 8249	Dec. 6	5.05 p.m.	M.C.R.	Aylmer, Ont., first road crossing east of station.	1	-	Unprotected	Automobile
" 8254	Dec. 31	10.30 p.m.	C.P.R.	Montreal West, Que., Elmhurst Avenue.	3	-	Unprotected	Automobile
" 8260	Dec. 13	11.50 a.m.	C.P.R.	North Bay, Ont., Golf Street.	-	1	Unprotected	Horse and rig
" 8261	Dec. 3	8.40 a.m.	G.T.R.	Niagara Falls, Ont., Victoria Street.	-	1	Unprotected	Horse and rig
" 8268	Dec. 31	2.25 p.m.	L.E. & N.	Simcoe, Ont., Victoria Street.	-	1	Unprotected	Automobile
" 8269	Dec. 20	11.15 a.m.	G.T.R.	Corbyville, Ont., Brenton's Crossing.	1	1	Unprotected	Horse and rig
" 8280	Dec. 24	2.45 p.m.	C.N.R.	Edmonton, Alta., 96th Street.	-	3	Unprotected	Automobile
" 8283	Dec. 26	6.40 p.m.	G.T.R.	London, Ont., Waterloo Street.	-	-	Gates	Automobile
" 8284	Dec. 31	11.00 a.m.	G.T.R.	Newmarket, Ont., Huron Street.	-	2	Unprotected	Horse and rig
" 8286	Jan. 9	1.05 p.m.	G.T.R.	Port Credit, Ont., Hurontario Street.	1	-	Watchman	Pedestrian
" 8303	Dec. 29	4.25 p.m.	G.T.R.	Ingersoll, Ont., Worham Street.	-	2	Unprotected	Pedestrian
" 8328	Dec. 24	4.25 p.m.	C.P.R.	Laval Rapids, Que., Montreal Terminals, Prince de Gallis Street.	-	-	Unprotected	Horse and rig
" 8332	Jan. 3	9.48 a.m.	C.P.R.	Versailles, Que., crossing at mileage 12.91.	-	1	Unprotected	Horse and rig
" 8340	Jan. 23	11.20 a.m.	G.T.R.	York, Ont., Victoria Park Avenue.	-	1	Unprotected	Automobile
" 8343	Dec. 18	9.28 a.m.	C.P.R.	Toronto, Ont., York Street.	-	1	Bell	Motor truck
" 8350	Dec. 29	11.35 a.m.	P.M.R.	Leamington, Ont., Erie Street.	-	1	Bell	Horse and rig
" 8356	Dec. 27	10.13 a.m.	P.M.R.	Plenheim, Ont., first crossing west.	-	2	Unprotected	Automobile
" 8357	Jan. 26	1.10 p.m.	G.T.R.	Galt, Ont., Main Street.	-	1	Watchman	Horse and rig
" 8400	Feb. 4	11.15 a.m.	G.T.R.	Stratford, Ont., Nelson Street.	-	1	Unprotected	Horse and rig
" 8401	Feb. 3	4.18 a.m.	G.T.R.	Kitchener, Ont., Wellington Street.	-	1	Unprotected	Automobile
" 8405	Feb. 10	10.40 a.m.	C.P.R.	Chelmsford, Ont., crossing east of station.	-	1	Unprotected	Horse and rig
" 8441	Feb. 28	11.10 a.m.	C.P.R.	Westboro, Ont., Westboro Crossing, 2 miles from Ottawa.	1	-	Unprotected	Horse and rig
" 8451	Dec. 15	3.45 p.m.	C.N.R.	Cereau, Alta., first crossing west.	-	1	Unprotected	Horse and rig
" 8469	Jan. 15	8.05 a.m.	C.P.R.	Sapperton, B.C., Cumberland Avenue.	-	1	Unprotected	Horse and rig
" 8501	Mar. 4	11.40 p.m.	C.N.R.	North Bay, Ont., Thibault Hill Crossing.	1	1	Unprotected	Auto truck
" 8502	Dec. 23	12.01 p.m.	C.P.R.	Westfort, Ont., Mountain Avenue crossing.	-	1	Unprotected	Horse and rig
					-	-	Unprotected	Auto truck

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"	8511	Feb. 21	8.10 a.m.	G.T.R.	Stratford, Ont., Erie Street	2	-	Bell	Horse and rig
"	8515	Feb. 28	7.10 a.m.	B.C. Elec.	Strathcona, B.C., 37th Avenue, Mun. Point Gray	1	1	Unprotected	Automobile
"	8534	Feb. 14	10.10 a.m.	G.T.R.	Brantford, Ont., Sheridan Street	-	2	Unprotected	Auto truck
"	8542	Mar. 19	7.50 p.m.	G.T.R.	Toronto, Ont., Bloor Street	-	1	Gates	Automobile
"	8543	Mar. 18	5.10 a.m.	G.T.R.	London, Ont., Maitland Street	1	-	Unprotected	Automobile
"	8596	Mar. 28	2.20 p.m.	C.P.R.	Belleville, Ont., crossing two miles east	1	1	Bell	Automobile
"	8603	Mar. 27	1.55 p.m.	G.T.R.	Glencoe, Ont., Main Street	-	1	Gates	Horse and rig
"	8609	April 16	4.40 p.m.	T.H. & B.	Hamilton, Ont., Sellington Street South	-	1	Unprotected	Automobile
"	8613	April 20	5.10 p.m.	C.P.R.	Arnprior, Ont., Patrick Street	-	1	Unprotected	Pedestrian
"	8651	Jan. 14	9.50 a.m.	C.N.R.	Dablon, Que., crossing south of station	-	1	Unprotected	Horse and rig
"	8662	April 10	11.15 p.m.	G.T.R.	Montreal, Que., St. Remi Street	-	1	Unprotected	Horse and rig
"	8683	April 14	9.00 p.m.	C.P.R.	London, Ont., Pall Mall Street	-	1	Gates	Horse and rig
"	8686	April 9	6.16 p.m.	M.C.R.	Charing Cross, Ont., first highway east of station	-	1	Unprotected	Pedestrian
"	8689	Mar. 30	9.25 a.m.	M.C.R.	Welland, Ont., Main Street	2	-	Unprotected	Automobile
"	8697	May 8	6.35 p.m.	G.T.R.	Ottawa, Ont., Lebreton Street	1	1	Gates	Automobile
"	8707	April 21	11.50 a.m.	C.P.R.	Yamachiche, Que., crossing three miles east	-	-	Bell	Pedestrian
"	8709	May 4	8.20 a.m.	G.T.R.	Clifton Jct., Ont., Stamford Crossing	-	1	Unprotected	Horse and rig
"	8712	May 19	4.40 p.m.	G.T.R.	Kitchener, Ont., Strange Street	-	1	Unprotected	Automobile
"	8715	May 1	12.50 p.m.	C.P.R.	Sault Ste. Marie, Ont., Hudson Street	-	2	Bell	Automobile
"	8729	April 19	4.45 p.m.	G.T.R.	Hamilton, Ont., Cannon Street	1	-	Unprotected	Pedestrian
"	8752	May 6	3.45 p.m.	C.P.R.	Cobourg, Ont., D'Arcy Street	-	1	Watchman	Horse and rig
"	8755	May 8	4.47 p.m.	C.P.R.	Myrtle, Ont., Brock Road	1	-	Unprotected	Horse and rig
"	8759	April 8	7.12 a.m.	N.St.C. & T.	St. Catharines, Ont., Westchester Street	1	-	Unprotected	Pedestrian
"	8762	May 13	3.05 p.m.	G.T.R.	Toronto, Ont., Royce Avenue	1	-	Unprotected	Automobile
"	8778	May 10	6.43 a.m.	G.T.R.	Montreal, Que., Chatham Street	-	1	Gates	Pedestrian
"	8781	May 1	2.05 p.m.	C.P.R.	Yamachiche, Que., crossing immediately east of station	-	1	Gates	Pedestrian
"	8789	May 6	7.20 p.m.	P.M.R.	Chatham, Ont., Park Street	-	1	Unprotected	Horse and rig
"	8796	May 25	1.40 p.m.	C.P.R.	Putnam, Ont., crossing west of station	-	1	Unprotected	Motor cycle
"	8798	June 4	10.40 a.m.	C.N.R.	Torrance, Ont., crossing near station	-	1	Unprotected	Automobile
"	8803	April 20	5.00 p.m.	C.P.R.	Vernon, B.C., Coldstream Road	-	1	Unprotected	Automobile
"	8818	June 3	2.30 p.m.	C.P.R.	Sault Ste. Marie, Ont., Wellington Street	-	1	Unprotected	Automobile
"	8825	June 19	11.13 a.m.	G.T.R.	Montreal, Que., Chatham Street	-	1	Unprotected	Horse and rig
"	8827	June 9	4.38 p.m.	G.T.R.	St. Hubert, crossing west of station	-	1	Gates	Pedestrian
"	8831	June 12	10.15 a.m.	C.P.R.	Mono Road, public crossing just north	-	1	Bell	Automobile
"	8833	June 16	9.10 a.m.	G.T.R.	Tavistock, Ont., second crossing south	-	1	Bell	Horse and rig
"	8834	May 28	7.27 p.m.	B. & H.E.	Brantford, Ont., Alfred Street	-	1	Unprotected	Horse and rig
"	8837	June 18	7.31 p.m.	C.P.R.	Guelph, Ont., Eloro Road crossing	1	-	Unprotected	Pedestrian
"	8839	May 29	4.30 p.m.	G.T.R.	Coteau, Ont., crossing one mile west	2	2	Unprotected	Automobile
"	8843	June 10	7.20 a.m.	G.T.R.	Parkhill, Ont., first crossing east	-	1	Watchman	Pedestrians
"	8848	June 6	11.15 p.m.	P.M.R.	Blenheim, Ont., crossing one-quarter mile west	-	1	Bell	Automobile
"	8858	May 31	2.48 p.m.	C.P.R.	Strathmore, Alta., crossing 2.5 miles west	-	1	Unprotected	Automobile
"	8873	June 22	3.35 p.m.	G.T.R.	Montreal, Que., Fulford Street	2	2	Unprotected	Automobile
"	8875	June 25	2.58 p.m.	C.P.R.	Perth, Ont., Drummond Street	1	-	Gates	Pedestrian
"	8895	June 6	1.36 p.m.	C.N.R.	Flic, Man., first crossing west of station	-	1	Bell	Horse and rig
"	8900	June 28	3.00 p.m.	H.R.F.	Hamilton, Ont., Depwe Street	-	1	Unprotected	Pedestrian
"	8916	July 5	4.32 p.m.	C.N.R.	St. Norbert, Man., crossing immediately south	-	1	Unprotected	Auto truck
"	8918	June 24	8.50 a.m.	C.P.R.	Fort Moody, B.C., Queen Street	1	-	Unprotected	Automobile
"	8931	July 25	10.15 p.m.	G.T.R.	St. Johns, Que., St. James Street	1	-	Bell	Pedestrian
"	8936	June 30	4.47 p.m.	E. & N.	Wellington South, B.C., crossing 1,953 feet north	-	5	Unprotected	Automobile

No. 9.—STATEMENT showing highway crossing accidents attended by personal injury investigated during the year ending December 31, 1920.—Continued.

File	Date	Time	Railway	PLACE	Killed	Injured	Protection	Remarks
Inv. 8912	July 27	7.58 p.m.	G.T.R.	Greenfield, Ont., Camerons Crossing, 2 miles east Maxville	2	3	Unprotected	Automobile
" 8943	July 1	12.15 p.m.	C.N.R.	Lachute, Que., first public crossing west	—	3	Unprotected	Automobile
" 8951	July 10	6.13 p.m.	G.T.R.	Oakville, Ont., first crossing west	1	1	Bell	Automobile
" 8964	July 29	7.55 p.m.	C.P.R.	West Toronto, Ont., St. Clair Avenue	—	2	Gates	Automobile
" 8969	July 22	3.12 p.m.	G.T.R.	Montreal, Que., Charlevoix Street	—	1	Gates	Pedestrian
" 8972	Aug. 1	12.48 p.m.	G.T.R.	Waterville, Que., Government Road crossing	—	7	Bell	Automobile
" 8975	July 27	2.20 p.m.	G.T.R.	Falconberg, Ont., first crossing north	1	1	Unprotected	Automobile
" 8981	Aug. 10	8.13 p.m.	G.T.R.	St. Hyacinthe, Que., Bourdage Street	2	—	Unprotected	Automobile
" 8982	July 7	5.00 p.m.	C.N.R.	Aylesbury, Sask., King Street	—	1	Unprotected	Automobile
" 8986	June 30	6.30 a.m.	C.P.R.	Montreal, Que., Papineau Avenue	1	—	Gates	Pedestrian
" 8998	Aug. 6	4.15 p.m.	H.R.E.	Hamilton Beach, Ont., crossing at station No. 12	1	—	Unprotected	Pedestrian
" 8999	Aug. 2	9.55 p.m.	G.T.R.	St. Thomas, Ont., Hughes Street	1	—	Unprotected	Automobile
" 9023	Aug. 6	6.20 p.m.	C.P.R.	Dalhousie Mills, Ont., crossing 1½ miles west	1	—	Unprotected	Automobile
" 9024	July 14	9.00 a.m.	C.P.R.	Carleton Place, Ont., Tannery crossing	—	1	Unprotected	Horse and rig
" 9027	Aug. 23	5.56 a.m.	C.P.R.	Ottawa, Springfield crossing, 3½ miles west of Ottawa, Ont.	—	1	Unprotected	Horse and rig
" 9034	July 24	5.25 p.m.	C.P.R.	Grand Forks, B.C., third crossing east	—	3	Bell	Automobile
" 9045	July 2	4.50 p.m.	C.P.R.	Quebec, Que., Laliberte Street	—	1	Bell	Horse and rig
" 9046	June 26	1.52 p.m.	C.P.R.	Quebec, Que., Crown Street	—	1	Gates	Pedestrian
" 9053	Aug. 9	10.03 a.m.	C.P.R.	Lacombe, Alta., first crossing north	1	1	Unprotected	Automobile
" 9064	July 3	4.20 p.m.	C.P.R.	Allan Cot, N.B., Lorneville crossing	—	5	Unprotected	Automobile
" 9068	June 20	9.15 p.m.	C.P.R.	Sault Ste. Marie, Ont., Huron Street	—	1	Unprotected	Automobile
" 9082	Aug. 30	4.10 p.m.	G.T.R.	London, Ont., William Street	—	1	Watchman	Auto truck
" 9084	July 30	9.00 a.m.	C.N.R.	Herouxville, Que., first crossing west of station	—	1	Unprotected	Automobile
" 9098	July 15	4.50 p.m.	G.T.R.	Onemee, Ont., first crossing east of Sturgeon St.	1	2	Unprotected	Automobile
" 9099	Aug. 2	6.45 a.m.	G.T.R.	Port Credit, Ont., first crossing east of station	—	1	Watchman	Auto truck
" 9101	Aug. 23	10.21 a.m.	G.T.R.	Kerwood, Ont., crossing east of station	—	1	Bell	Horse and rig
" 9106	Aug. 21	10.19 a.m.	G.T.R.	Huntingdon, Que., Dalhousie Street	—	1	Unprotected	Horse and rig
" 9108	Sept. 8	8.03 a.m.	G.T.R.	Komoka, Ont., Main Street	—	1	Bell	Automobile
" 9109	Aug. 3	1.25 p.m.	C.P.R.	Darlington, Ont., crossing near east switch	—	1	Unprotected	Auto truck
" 9110	Aug. 18	10.39 a.m.	C.N.R.	Trenton, Ont., Duffering Street	2	1	Unprotected	Automobile
" 9114	Sept. 4	6.07 p.m.	G.T.R.	Aurora, Ont., Yonge Street	—	1	Bell	Automobile
" 9121	Aug. 24	2.30 p.m.	G.T.R.	Kitchener, Ont., Ahrens Street	—	1	Unprotected	Automobile
" 9123	Aug. 14	6.00 p.m.	H.R.E.	Hamilton, Ont., Brant Street	—	1	Unprotected	Horse and rig
" 9136	Sept. 7	3.55 p.m.	C.N.R.	Hanna, Alta., east crossing	—	1	Unprotected	Horse and rig
" 9137	Sept. 17	9.17 a.m.	C.P.R.	Sand Point, Ont., crossing one-half mile west	1	—	Unprotected	Pedestrian
" 9140	Aug. 28	9.40 a.m.	H.R.E.	Hamilton, Ont., crossing at station No. 12	1	1	Unprotected	Automobile
" 9141	Aug. 24	9.12 a.m.	C.P.R.	Hull, Que., St. Henry Street	—	1	Unprotected	Automobile
" 9149	Sept. 6	8.15 a.m.	G.T.R.	Vineland, Ont., Town Line crossing	—	1	Bell	Automobile
" 9161	July 31	1.25 p.m.	G.T.R.	Prescott, Ont., Edward Street	—	2	Bell	Automobile
" 9172	Sept. 28	11.55 a.m.	G.T.R.	Kinburn, Ont., crossing one-half mile east	—	2	Unprotected	Horse and rig

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"	9175	Sept.	2	2.10 p.m.	G.T.R.	Orillia, Ont., first crossing north.....	-	1	Unprotected	Automobile
"	9187	Aug.	13	5.30 p.m.	C.N.R.	Longburn, Man., crossing 25 poles west.....	-	1	Unprotected	Automobile
"	9197	Sept.	12	2.15 a.m.	C.P.R.	Blackfalds, Alta., crossing at mileage 9.2.....	1	1	Unprotected	Automobile
"	9199	Sept.	6	9.45 p.m.	C.P.R.	Busteed, Ont., Norman Crossing.....	-	1	Bell	Automobile
"	9200	Sept.	20	11.45 a.m.	C.N.R.	Capreol, Ont., Yong Street.....	-	1	Unprotected	Automobile
"	9203	Aug.	24	6.58 a.m.	M.C.R.	St. Thomas, Ont., Railway Street.....	-	1	Bell	Automobile
"	9217	Sept.	30	9.20 a.m.	C.P.R.	West Toronto, Ont., Royce Avenue.....	1	-	Gates	Pedestrian
"	9218	Sept.	20	3.35 p.m.	C.P.R.	Quebec, Que., Crown Street.....	1	-	Gates	Pedestrian
"	9220	Sept.	6	6.45 p.m.	C.P.R.	Verner, Ont., first crossing east.....	-	1	Unprotected	Horse and rig
"	9221	Sept.	30	1.45 p.m.	G.T.R.	Ft. Covington, Que., first crossing north.....	-	1	Unprotected	Automobile
"	9222	Sept.	2	11.20 a.m.	G.T.R.	Drumbo, Ont., second crossing east of station.....	-	3	Unprotected	Automobile
"	9225	Aug.	7	2.00 p.m.	C.N.R.	Westfort, Ont., Brock Street.....	-	1	Unprotected	Automobile
"	9242	Oct.	12	10.15 a.m.	C.P.R.	Wolverton, Ont., first crossing east of station.....	1	-	Unprotected	Automobile
"	9243	Sept.	2	10.53 a.m.	G.T.R.	Walkerville, Ont., Devonshire Road.....	-	1	Gates	Pedestrian
"	9245	Oct.	1	8.40 a.m.	G.T.R.	Strathroy, Ont., Oxford Street.....	-	1	Unprotected	Automobile
"	9248	Sept.	17	9.28 a.m.	C.N.R.	Fmo, Ont., Jessie Street.....	-	1	Unprotected	Horse and rig
"	9254	Oct.	5	3.24 p.m.	C.P.R.	Spencerville, Ont., first crossing south.....	-	1	Unprotected	Automobile
"	9261	Oct.	14	11.00 p.m.	G.T.R.	Cornwall, Ont., first crossing east.....	-	1	Unprotected	Automobile
"	9269	Oct.	2	8.45 p.m.	C.P.R.	Point du Lac, Que., crossing three miles west.....	2	-	Unprotected	Automobile
"	9285	Oct.	11	12.12 p.m.	G.T.R.	Newbury, Ont., Haggerty Street.....	-	1	Unprotected	Automobile
"	9212	July	22	7.49 a.m.	C.N.R.	Fredensthal, Man., crossing six miles east of town.....	-	1	Unprotected	Automobile
"	9289	Sept.	13	9.00 a.m.	C.N.R.	McCreary, Man., crossing five miles north.....	-	1	Unprotected	Automobile
"	9292	Sept.	29	1.55 a.m.	G.T.R.	Burlington, Ont., Water Street.....	-	2	Unprotected	Automobile
"	9295	Oct.	9	7.35 p.m.	G.T.R.	Peachville, Ont., first crossing east.....	1	-	Bell	Pedestrian
"	9297	Oct.	18	6-50 p.m.	B. & H.E.	Ancaster, Ont., B. & H. Stone Road crossing.....	-	1	Unprotected	Automobile
"	9298	Oct.	16	12.52 p.m.	C.P.R.	Arkwood, Ont., crossing one mile west.....	1	-	Unprotected	Automobile
"	9324	Oct.	9	10.50 p.m.	C.P.R.	Camrose, Alta., first crossing east of station.....	-	1	Unprotected	Automobile
"	9325	Oct.	7	2.40 p.m.	C.P.R.	Wetaskiwin, Alta., crossing 1.9 miles north.....	-	2	Unprotected	Automobile
"	9326	Nov.	4	9.25 a.m.	C.P.R.	Montreal West, Que., Elmhurst Avenue.....	-	1	Unprotected	Automobile
"	9330	Oct.	16	10.15 p.m.	C.P.R.	Jellicoe, Ont., crossing two miles west.....	-	2	Unprotected	Automobile
"	9350	Oct.	2	3.35 p.m.	C.N.R.	M.P. 66, Chester Subdivision, N.S., crossing near.....	-	1	Unprotected	Automobile
"	9358	Oct.	12	2.39 p.m.	C.P.R.	Algoma, Ont., crossing between station and tank.....	-	1	Unprotected	Automobile
"	9368	Sept.	23	8.40 a.m.	C.P.R.	Deloraine, Man., first crossing east.....	-	1	Unprotected	Automobile
"	9386	Nov.	12	7.43 a.m.	C.N.R.	Thurlow, Ont., crossing 1½ miles west.....	1	-	Unprotected	Horse and rig
"	9389	Nov.	13	4.00 p.m.	C.N.R.	Hillier, Ont., crossing 1½ miles east.....	1	-	Unprotected	Automobile
"	9414	Nov.	17	7.40 p.m.	G.T.R.	Chatham, Ont., Lacroix Street.....	-	1	Unprotected	Automobile
"	9415	Oct.	26	4.30 p.m.	G.T.R.	Alvinston, Ont., second crossing west.....	1	2	Unprotected	Automobile
"	9422	Oct.	13	11.00 p.m.	G.T.R.	Sarnia, Ont., Christina Street.....	-	3	Unprotected	Automobile
"	9425	Oct.	27	1.20 p.m.	G.T.R.	Toronto, Ont., Pape Avenue.....	-	1	Gates	Pedestrian
"	9435	Nov.	6	10.55 a.m.	M.C.R.	Buxton, Ont., second crossing west.....	1	-	Unprotected	Horse and rig
"	9436	Nov.	11	2.56 p.m.	G.T.R.	Mallorytown, Ont., first crossing east.....	-	2	Bell	Automobile
"	9444	Oct.	15	5.30 p.m.	C.N.R.	Doreenlee, Alta., Main Road crossing.....	1	-	Unprotected	Pedestrian
"	9451	Nov.	1	6.35 p.m.	G.T.R.	Caledonia, Ont., Main Street.....	-	2	Bell	Automobile
"	9461	Nov.	13	10.20 p.m.	C.P.R.	Cap St. Martin, Que., Le Cap crossing.....	-	1	Bell	Automobile
"	9468	Nov.	13	10.28 a.m.	T.H. & B.T.	Hamilton, Ont., Baillie Street.....	1	-	Watchman	Pedestrian
"	9469	Sept.	26	7.41 a.m.	N.St.C. & T.	St. Catharines, Ont., Buryman Avenue.....	-	2	Unprotected	Motor cycle
"	9471	Sept.	29	5.10 p.m.	G.T.R.	Hamilton, Ont., Kelly Street.....	-	1	Unprotected	Horse and rig
"	9472	Nov.	9	12.01 a.m.	G.T.R.	Jordan, Ont., crossing east—first.....	-	1	Bell	Automobile
"	9484	Nov.	30	7.55 a.m.	G.T.R.	Ormsdown, Que., first crossing north.....	1	-	Unprotected	Horse and rig

No. 9.—STATEMENT showing highway crossing accidents attended by personal injury investigated during the year ending December 31, 1920.—Concluded.

File	Date	Time	Railway	PLACE	Lilled	I jured	Protection	Remarks
" 9486	Nov. 23	11.55 a.m.	G.T.R.	Hamilton, Ont., Ottawa Street.	1	-	Gates	Pedestrian
" 9487	Nov. 29	12.45 p.m.	G.T.R.	Merriton, Ont., Hartzell Rd., 1 mile north-west.	-	1	Unprotected	Automobile
" 9489	July 30	7.40 p.m.	C.N.R.	Arran, Sask., crossing near.	-	2	Unprotected	Automobile
" 9493	Nov. 13	11.40 p.m.	C.P.R.	Sedley, Sask., crossing one mile north.	-	3	Unprotected	Automobile
" 9497	Dec. 1	8.45 p.m.	C.P.R.	Sault Ste. Marie, Ont., Wellington Street.	-	1	Unprotected	Automobile
" 9498	Oct. 28	11.50 a.m.	C.P.R.	Winnipeg, Man., Morse Place crossing, Munroe Ave.	-	1	Unprotected	Automobile
" 9519	Nov. 20	4.45 p.m.	C.N.R.	Cardinal, Man., Crossing at M.P. 72.8, Carman Sub.	4	1	Unprotected	Automobile
" 9523	Nov. 9	11.15 a.m.	N.J.Ry.	Lacolle, Que., crossing 1½ miles north.	-	1	Unprotected	Horse and rig
" 9545	Dec. 1	12.43 p.m.	C.N.R.	Prince Albert, Sask., east end Saskatchewan Bridge.	-	3	Unprotected	Automobile
" 9555	Dec. 2	7.35 a.m.	C.P.R.	Kleinberg, Ont., crossing just north.	-	2	Unprotected	Automobile
" 9557	Nov. 20	8.07 a.m.	G.T.R.	St. Jacobs, Ont., crossing 2 miles north.	2	3	Unprotected	Horse and rig
" 9559	Nov. 21	12.04 p.m.	C.P.R.	Maskinonge, Que., crossing 1 3-10 miles east.	-	1	Unprotected	Automobile
" 9568	Dec. 7	9.55 a.m.	G.T.R.	St. Jacobs, Ont., second crossing south.	-	1	Unprotected	Automobile
" 9569	Nov. 10	11.53 a.m.	G.T.R.	Baden, Ont., crossing 1½ miles east.	-	1	Unprotected	Automobile
" 9578	Nov. 17	12.15 p.m.	C.N.R.	Port Arthur, Ont., Manitou Street.	-	1	Unprotected	Automobile
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No. 10.—STATEMENT showing accidents to employees while working on or under engines, investigated during the year ending December 31, 1920.

File	Date	Railway	Place	Remarks	Killed	Injured
Inv. 8265	Dec. 17	Wabash	Aylmer, Ont.	Fell off engine while lighting lamp.	—	1
" 8310	Dec. 24	G.T.R.	Renfrew, Ont.	Shaking grates.	—	1
" 8324	Dec. 11	C.N.R.	Englefeld, Sask.	Water glass broke.	—	1
" 8341	Jan. 26	C.N.R.	Cushing Jet., Que., 2 miles west.	Broken pipe of ashpan sprinkler.	—	1
" 8370	Feb. 1	G.T.R.	Tavistock Jet., Ont.	Drip plate fell.	—	1
" 8376	Jan. 21	G.T.R.	Paris Jet., Ont.	Blower valve blew out.	—	1
" 8383	Jan. 19	G.T.R.	Parkdale Stn., Ont., 1 mile east.	Arch tube burst.	—	2
" 8417	Dec. 27	C.N.R.	Camrose, Alta.	Leaning out of cab window.	—	1
" 8428	Oct. 22	K.V.R.	Jessica, B.C.	Fell off tender of engine.	—	1
" 8445	Feb. 14	G.T.R.	Huntsville, Ont.	Scalded by hot water from engine.	—	1
" 8447	Jan. 16	C.N.R.	Cardiff, Alta., at water tank.	Cab roof came down account owing to depression in track.	—	1
" 8457	Feb. 17	G.T.R.	Fort Eric Yard, Ont.	Getting down from engine stepped in a hole.	—	1
" 8478	Feb. 26	T. H. & B.	Coyle, Ont.	Slipped on ice on rear of tender tank.	—	1
" 8479	Feb. 27	G.T.R.	Thamesville, Ont.	Struck arm against driver brake adjuster.	—	1
" 8495	Mar. 7	G.T.R.	Harriston, Ont.	Shaking grate bars came off.	—	1
" 8497	Mar. 1	G.T.R.	St. Pauls, Ont.	Shaking grate bar slipped.	—	1
" 8498	Mar. 3	G.T.R.	Allandale coal chute, Ont.	Fell off tender while climbing over same.	—	1
" 8505	Feb. 9	C.N.R.	Capreol, Ont.	Fell on apron plate.	—	1
" 8519	Feb. 1	C.P.R.	Monklands, Ont.	Fell while taking coal on tender.	—	1
" 8522	Mar. 8	C.P.R.	Guelph Jet., Ont.	While taking water fell off engine.	—	1
" 8523	Mar. 2	Wab.	Middlemiss, Ont.	Repairing spring saddle on engine.	—	1
" 8559	Mar. 16	G.T.R.	Paris Jet., Ont.	Squeezed between top of cab and engine.	—	1
" 8560	Mar. 14	G.T.R.	Wyoming, Ont.	Finger caught in cab vestibule.	—	1
" 8561	Mar. 21	M.C.R.	Welland, Ont.	Fell off tender while taking water.	—	1
" 8562	Mar. 5	G.T.R.	Cookstown, Ont.	Shaking grates.	—	1
" 8565	Mar. 9	C.P.R.	Ridout, Ont., 1/2 mile east.	Right inspirator steam pipe collar came off.	—	1
" 8573	Mar. 3	G.T.R.	Guelph roundhouse, Ont.	Jumped off engine when it was near coal chute.	—	1
" 8577	Mar. 9	G.T.R.	Eganville, Ont.	Struck on head by coal.	—	1
" 8582	Mar. 29	C.P.R.	Shanks, Que.	While cleaning reflector fell off.	—	1
" 8584	Mar. 20	G.T.R.	Montreal Turcot roundhouse, Que.	While oiling lamp slipped.	—	1
" 8588	Mar. 27	G.T.R.	Hamilton Yard, Ont.	Slipped while shaking grates.	—	1
" 8650	April 2	G.T.R.	Hamilton, Ont.	Shaking grates.	—	1
" 8663	Mar. 22	G.T.R.	Ottawa, Ont.	Getting off engine at coal chute.	—	1
" 8678	April 20	G.T.R.	Waubashene, Ont.	Reverse lever struck him on groin.	—	1
" 8684	April 28	C.N.R.	Martel, B.C.	Closing water glass.	—	1
" 8716	May 2	G.T.R.	Woodstock, N.B.	Fell out of engine.	—	1
" 8717	April 9	G.T.R.	York Yard, Ont.	Fire and steam broke out in cab.	—	1
" 8718	May 3	G.T.R.	Onondaga, Ont.	Closing grate bars.	—	1
" 8721	May 4	G.T.P.	Finnie, Sask.	Water glass broke.	—	1
" 8740	Feb. 15	C.N.R.	St. Canut, Que.	Reversing lever.	—	1

No. 10.—STATEMENT showing accidents to employees while working on or under engines, investigated during the year ending 31, 1920.—Continued.

File	Date	Railway	Place	Remarks	Kill- ed	In- jured
Inv. 8742	May 11	G.T.R.	Brantford, Ont.	Working under engine on ashpit.	1	-
" 8743	May 15	G.T.R.	Camperdown, Ont.	Struck by falling bolt.	-	1
" 8745	May 17	G.T.R.	Fort Erie, Ont.	Thrown off footboard.	-	1
" 8774	April 7	C.P.R.	Ottawa, Ont.	Fell off running board.	-	1
" 8785	May 24	G.T.R.	Windsor, Ont.	Washout plug blew out.	-	2
" 8805	May 15	C.P.R.	St. John Station, N.B.	Grab iron broke on engine.	-	1
" 8817	June 4	C.P.R.	Three Rivers, Que.	Loading coal.	-	1
" 8820	May 31	Wab.	Glencoe, Ont.	Struck by reversing lever.	-	1
" 8824	Mar. 15	C.N.R.	Jellicoe shop truck, Ont.	Opening fire box door.	-	1
" 8840	June 4	C.P.R.	Gorrie, Ont.	While taking water valve rope broke.	-	1
" 8846	June 13	G.T.R.	Southwork Yard, Que.	Defective hose.	-	1
" 8847	June 9	G.T.R.	Pt. St. Charles, Que.	Caught in brake valve handle.	-	1
" 8860	June 19	G.T.R.	Raven Lake, Ont.	Shaking grate bars.	-	1
" 8861	June 16	G.T.R.	Tilsonburg, Ont.	Water glass broke.	-	1
" 8862	June 13	G.T.R.	London, Ont.	Cylinder cock defective.	-	1
" 8863	June 18	G.T.R.	York, Ont.	Standing near engine when it started.	-	1
" 8864	June 8	C.N.R.	Sifton, Man.	Handling reversing lever.	-	1
" 8872	June 21	G.T.R.	Ottawa, Ont.	Planks covering drain caved in.	-	1
" 8882	June 28	G.T.R.	Lindsay, Ont.	Fell against reversing lever.	-	1
" 8883	June 22	G.T.R.	Toronto, Bathurst St., Ont.	Putting up tender brake hanger.	-	1
" 8905	July 5	G.N.R.	Fernie, B.C.	Shaking grates.	-	1
" 8917	Mar. 3	C.P.R.	Worthington, Ont.	Shaker bar slipped off.	-	1
" 8930	July 13	K.V.R.	Oxley Lake, B.C.	Dynamo on engine blew up.	-	1
" 8940	July 9	C.N.R.	St. Paulin, Que.	While sprinkling water on coal.	-	1
" 8957	July 15	G.T.R.	Hamilton Yard, Ont.	Shaking grates.	-	1
" 8958	July 9	G.T.R.	Sarnia roundhouse, Ont.	Fell off top of engine.	-	1
" 8959	July 29	G.T.R.	St. Marys Jet., Ont.	Struck by reversing lever.	-	1
" 8960	July 3	G.T.R.	Toronto, Ont., near Bathurst St.	Hand caught between curtain plate and coal box.	-	1
" 8974	Aug. 8	C.N.R.	Caramat, Ont.	Sprinkling hose blew off.	-	1
" 9000	Aug. 1	C.P.R.	Caradoc, Ont.	Fell while oiling engine.	-	1
" 9001	July 29	C.T.R.	Flamboro, Ont.	Fell off engine.	-	1
" 9002	Aug. 6	G.T.R.	Hamilton, Junction Cut, Ont.	Brake beam slipped and struck him.	-	1
" 9007	July 13	G.T.R.	Ottawa, Ont.	Fell from engine.	-	1
" 9012	July 26	G.T.R.	Renfrew, Ont.	Struck by reversing lever.	-	1
" 9028	Aug. 8	C.P.R.	Guelph Jet., Ont.	Plug blew out of injector.	-	1
" 9061	July 23	C.N.R.	Notre Dame, Que.	Replacing grates.	-	1
" 9067	Aug. 14	C.N.R.	Joliette Yard, Que.	Struck blow off valve on sand pipe.	-	1
" 9072	Aug. 2	G.T.R.	Between Bronte and Burlington, Ont.	Raising reverse lever.	-	1
" 9073	Aug. 14	G.T.R.	Koshee, Ont.	Scalded by squirt hose.	-	1
" 9074	Aug. 21	G.T.R.	Hensall, Ont.	Examining ashpan.	-	1

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9131	Aug.	11	C.N.R.	Saskatoon, Sask.	Placing replacer.....	1
9138	Aug.	23	C.N.R.	Paseweg, Sask.	Squirt hose burst.....	1
9144	Aug.	5	G.T.R.	Coteau Jet., Que.	Hot bearings.....	1
9159	July	29	C.N.R.	Portage, Man.	Squirt hose blew off.....	1
9173	July	2	C.N.R.	Moose Jaw, Sask.	Fell off engine.....	1
9178	Sept.	10	G.T.R.	Montreal, Que.	Struck by piston.....	1
9184	Sept.	16	C.P.R.	M.P. 104, Sutherland Sub., Sask.	Washout plug blew out.....	1
9189	June	18	C.P.R.	Schreiber, Ont.	Engine passed over hand.....	1
9204	Sept.	2	G.T.R.	Palmerston, Ont.	Shaker bar broke.....	1
9205	Sept.	9	C.N.R.	Trenton, Ont.	Finger caught between operating wheel and coal gate.....	1
9207	Sept.	14	G.T.R.	Lindsay, Ont.	Shaking grates.....	1
9208	Aug.	29	G.T.R.	Gravenhurst, Ont.	Dumping ashpan.....	1
9213	Sept.	11	C.N.R.	Smiths Falls, Ont.	Uncoupling brake rigging.....	1
9227	Sept.	13	C.N.R.	James Bay, Ont.	Sprinkler hose blew off.....	2
9229	Sept.	22	G.T.R.	Barrie, Ont.	Shutting off throttle.....	1
9232	Sept.	23	G.T.R.	Ingersoll, Ont.	Cleaning out ashes on one engine and run down by other.....	1
9237	Sept.	15	G.T.R.	Kingston Jet., Ont.	Adjusting brake.....	1
9251	Oct.	9	C.P.R.	Grand Coulee, Sask.	Steam pipe broke.....	1
9257	Aug.	14	K.V.R.	Coquihalla, B.C.	Stepping off engine.....	1
9282	Oct.	21	C.P.R.	Peterson, Ont.	Steam heat equipment blew out.....	2
9284	Oct.	18	C.P.R.	Bolton, Ont.	Caught between side rod and driving wheel.....	1
9286	Oct.	9	G.T.R.	Belleville Yard, Ont.	Fell off running board of engine.....	1
9313	Oct.	2	G.T.R.	Guelph Jct., Ont.	Shaking grate bars.....	1
9315	Oct.	19	G.T.R.	Stratford, Ont.	Cleaning ashpan.....	1
9316	Oct.	14	G.T.R.	London, Ont.	Oiling engine.....	1
9317	Oct.	18	G.T.R.	Belle River, Ont.	Scalded while shutting off steam.....	1
9321	Oct.	1	G.T.R.	Ottawa, Ont., Bank St., Yard	Fell from smoke box of engine.....	1
9332	Sept.	25	C.N.R.	Pierre Paul, Que.	Caught in reverse lever.....	1
9333	Sept.	30	C.N.R.	Lake Frances, Man.	Opening blow-off pipe.....	1
9334	Oct.	17	G.T.R.	St. Johns, Que.	Fell between engine and tender.....	1
9337	Oct.	28	G.T.R.	Maxville, Ont.	Shaking grates.....	1
9341	Oct.	12	C.N.R.	Melville, Sask.	Tube plug blew out.....	1
9348	Oct.	23	C.N.R.	Goodwater, Sask.	Gas in fire box exploded and blew door open.....	1
9363	Oct.	27	G.T.R.	Holmesville, Ont.	Knuckle pin broke.....	1
9364	Oct.	15	G.T.R.	Brighton, Ont.	Fell into open manhole.....	1
9379	Nov.	8	G.T.R.	Montreal, Turcot Shop Track, Que.	Climbing from cab to tank caught hand in coal door.....	1
9393	Oct.	17	G.T.R.	Brighton, Ont.	Jammed between water crane.....	1
9397	Nov.	3	G.T.R.	Mimico, Ont.	Fell off back of tender.....	1
9399	Nov.	12	C.P.R.	Orangeville, Ont.	Struck by water spout while taking water on engine.....	1
9401	Nov.	11	G.T.R.	Thorndale, Ont.	Hand caught in firebox door.....	1
9428	Oct.	26	C.P.R.	Owen Sound, Ont.	Handling washout plug.....	1
9430	Nov.	18	G.T.R.	Hamilton, Ont.	Shaking grates.....	1
9431	Nov.	21	G.T.R.	Cobourg, Ont.	Turning top valve.....	1
9442	Sept.	19	E. & N.	Nanoose Bay, B.C.	Gas in firebox exploded.....	1
9452	Oct.	29	C.N.R.	Oyen, Alta.	Lever dropped on foot.....	1
9453	Oct.	26	C.N.R.	Flaxcombe, Sask.	Cleaning ashpan.....	1
9454	Nov.	4	C.N.R.	Munson, Alta.	Injector broke.....	1
9476	Nov.	23	C.P.R.	Christie, Ont.	Grate bar shaker slipped.....	1
9477	Nov.	20	C.P.R.	McGaw, Ont.	Iron nut flew off firebox door.....	1

No. 10.—STATEMENT showing accidents to employees while working on or under engines, investigated during the year ending 31, 1920.—*Concluded.*

File	Date	Railway	Place	Remarks	Killed	Injured
Inv. 9481	Nov. 26	C.N.R.	Brighton, Ont.	Operating lever slipped.	—	1
" 9492	Nov. 13	C.N.R.	Farley, Sask.	Fell off side of engine.	—	1
" 9501	Dec. 6	G.T.R.	Montreal, Turcot, Que.	Fell on coal while on top of tender.	—	1
" 9509	Nov. 2	C.N.R.	Watrous, Sask.	Hand caught in firebox door.	—	1
" 9510	Nov. 22	C.P.R.	Renfrew, Ont.	Fell off tender of engine.	—	1
" 9515	Nov. 3	C.N.R.	Warden, Alta.	Caught between eccentric rod and crank.	—	1
" 9542	Dec. 1	C.N.R.	Rumsey Yard, Alta.	Opening blow off cock.	—	1
" 9562	Dec. 13	G.T.R.	Chatham, Ont.	Slipped on engine steps.	—	1
" 9563	Dec. 14	G.T.R.	Elmwood, Ont., 1 mile south.	Washout plug blew out.	—	1
" 9565	Dec. 13	G.T.R.	Windsor Yard, Ont.	Fell off engine.	—	1
" 9570	Nov. 18	C.N.R.	Melville Yard, Sask.	Fire blew out of fire box.	—	1
" 8382	Jan. 14	C.P.R.	St. Marys, Ont.	Fell off tender while taking water.	—	1
" 8456	Feb. 7	M.C.R.	Waterford, Ont.	Fell off tender.	—	1
" 8180	Feb. 1	G.T.R.	Madawaska, Ont.	Opening car heater steam valve.	—	1
" 8539	Mar. 2	G.T.R.	Pt. St. Charles Yard, Que.	Pulling crane around.	—	1
" 8648	April 13	G.T.R.	Vine, Ont.	Hand caught on reverse lever.	—	1
" 8258	Dec. 16	C.P.R.	Chalk River, Ont.	Fixing headlight.	—	1
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No. 11.—STATEMENT showing the number of highway crossing accidents with the total number of killed and injured by provinces and railways for twelve months ending December 31, 1920.

Name of Railway.	Nova Scotia			New Brunswick			Quebec			Ontario			Manitoba			Saskatchewan			Alberta			British Columbia			Total		
	Acc.	K.	I.	Acc.	K.	I.	Acc.	K.	I.	Acc.	K.	I.	Acc.	K.	I.	Acc.	K.	I.	Acc.	K.	I.	Acc.	K.	I.	Acc.	K.	I.
Grand Trunk.....							13	4	15	60	11	75													73	15	90
Canadian Pacific.....				1		5	16	9	14	33	15	26			3										66	32	63
Canadian National.....	1		1				4		6	12	5	16			13										32	7	43
Napierville Jet.....							1	4	2																1	4	2
Tor., Hamilton and Buffalo.....																											
Michigan Central.....										2	1	1													2	1	1
British Columbia Elec.....										5	4	2													5	4	2
Brantford and Hamilton.....																									1	1	1
Lake Erie and Northern.....										3	1	2													3	1	2
Pere Marquette.....										1		1													1		1
Esquimaux and Nanaimo.....										4		5													4		5
Hamilton Radial.....																									1	1	2
Total.....	1		1	1		5	34	17	37	124	39	131	12	2	16	5		8	10	6	10	6	4	7	193	68	215

No. 12.—STATEMENT showing highway crossings at which protection provided, and nature of protection, during period of twelve months ending December 31, 1920.

File No.	Order No.	Location of Crossing	Railway	Nature of Protection
26765-141	29338	Guelph, Ont., Victoria road, about 1 mile east	G.T.R. (1).....	Automatic bell and removal of bank.
26765-98	29408	Lucan, Ont., Main street	G.T.R. (2).....	Automatic bell and Wig Wag in lieu of watchman.
26744-6	29411	St. Jean Baptiste, Man., Main road	C.N.R. (2).....	Automatic bell and Wig Wag.
26842-11	29471	Welland, Ont., Stone road crossing, 2 miles east.	M.C.R. (3).....	Diversion of road, and removal of trees.
26765-96	29490	Beachville, Ont., Munroe's crossing	G.T.R. (13).....	Two automatic bells in lieu of watchman.
26765-96	29024	Beachville, Ont., Martin street	G.T.R. (5).....	Automatic bell; and cars kept off siding between station and crossing, in lieu of watchman.
9437-147	29500	Toronto, Ont., Eastern Ave., immediately W. of Don river	G.T.R. (6).....	Watchman between 7 a.m. and 11 p.m.
9437-147	28729	Simcoe, Ont., Victoria street	C.P.R. (6).....	Automatic bell.
25493-1	29548	West Hill, Ont., Kingston road	L.E. & N. (4)...	Removal of trees and installation of Wig Wag signal in addition to automatic bell already installed.
27318-7	29591	Ottawa, Ont., Parkdale avenue	G.T.R. (8).....	Wig Wag signal, in addition to bell already installed.
9437-1267	29746	Hamilton, Ont., Wellington street south	T.H. & B. (6)...	Watchman between 7.30 a.m. and 11.30 p.m.
27802-4	29760	Niagara Falls, Ont., Hydro crossing	G.T.R. (9).....	Removal of obstructions.
9437-922	29837	Belleville, Ont., crossing 2 miles east	C.P.R. (8).....	Removal of bell now installed to north side of road, and, in addition, install Wig Wag Signal.
3701-236	29950	Guelph, Ont., crossing 1 mile north	C.P.R. (2).....	Automatic bell and Wig Wag.
26727-64	29999	Amigari, Ont., Garrison road	G.T.R. (9).....	Removal of banks, trees and brush, and install wire fence instead of board fence.
26765-128	30046	Twp. of Morris, Ont., side road crossing between lots 5 and 6	C.P.R. (9).....	Removal of high ground which obstructs view of track.
26727-53	30087	London, Ont., Pall Mall st.	C.P.R. (10).....	Gates.
26727-58	30132	London, Ont., Waterloo st.	C.P.R. (10).....	Gates, in lieu of watchman.
9437-292	30132	Darlington, Ont., crossing near east switch	C.P.R. (2).....	Automatic bell and Wig Wag signal.
26727-68	30348	Trenton, Ont., Dufferin st., (Orono sub. main line)	C.P.R. (10).....	Gates.
26711-20	30386	Prescott, Ont., Edward street	C.N.R. (10).....	Wig Wag signal, and cars to be kept back 300' from crossing (bell now installed).
9437-681	30412	Camrose, Alta., first crossing east	G.T.R. (11).....	Speed limitation of six miles an hour.
27611-14	30478		C.P.R. (12).....	

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No. 13.—STATEMENT showing the number of highway crossings at which protection has been ordered by the Board, and the nature of protection set out by Provinces, for twelve months ending December 31, 1920.

Name of Railway	Nova Scotia	New Brunswick	Quebec	Ontario	Manitoba	Saskatchewan	British Columbia	Alberta.	Total
Bell and removal of bank.....(1)				1					1
Bell and Wig Wag.....(2)				3	1				4
Diversion and removal of trees.....(3)				1					1
Bell.....(4)				1					1
Bell and cars kept clear between station and crossing.....(5)				1					1
Watchman (part time only).....(6)				2					2
Wig Wag and removal of trees in addition to bell previously installed.....(7)				1					1
Wig Wag in addition to bell previously installed.....(8)				2					2
Removal of view obstruction.....(9)				3					3
Gates.....(10)				3					3
Wig Wag and cars kept clear 300', in addition to bell previously installed.....(11)				1					1
Speed limitation of six miles an hour.....(12)								1	1
Two automatic bells (one on each side of double track).....(13)				1					1
				20	1			1	22

No. 14.—STATEMENT showing number of persons killed and injured at public highway crossings, separately, for each year for three years ending March 31, 1919, nine months ending December 31, 1919, and twelve months ending December 31, 1920.

Year	Gates		Bell		Watchman		Unprotected		Total	
	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.
1917.....	10	15	4	10	1	13	43	98	60	136
1918.....	6	15	9	12		5	52	119	67	151
1919.....	3	20	10	20	1	7	27	115	41	162
Nine months ending Dec. 31, 1919....	4	9	4	7	4	9	36	138	48	163
Twelve months ending Dec. 31, 1920..	6	14	6	29	4	8	52	164	68	215
	29	73	33	78	10	42	212	634	284	827

No. 15.—STATEMENT showing number of highway crossing accidents, the nature of same, for each and every year separately for the three years ending March 31, 1919, nine months ending December 31, 1919, and twelve months ending December 31, 1920.

	Gates						Watchman						Bell						Unprotected						Total					
	1918			1919			1917			1918			1917			1918			1917			1918			1917			1918		
	1917	1918	1919	9 mos. 1919	12 mos. 1920	Total	1917	1918	1919	9 mos. 1919	12 mos. 1920	Total	1917	1918	1919	9 mos. 1919	12 mos. 1920	Total	1917	1918	1919	9 mos. 1919	12 mos. 1920	Total	1917	1918	1919	9 mos. 1919	12 mos. 1920	Total
Automobile...	2	1	3	4	4	14	1	3	1	1	2	8	4	5	13	5	17	44	20	45	49	50	93	266	36	54	66	60	16	332
Horse and rig.	2	1	...	...	2	5	4	3	...	1	2	10	7	3	1	...	7	18	45	43	28	25	33	174	58	50	29	26	44	207
Pedestrian...	12	9	17	4	13	55	1	1	6	3	3	14	4	4	3	1	3	15	25	21	21	22	12	101	42	35	47	30	31	185
	16	11	20	8	19	74	6	7	7	5	7	32	15	12	17	6	27	77	99	109	98	97	138	541	136	139	142	116	191	724

The total 724 accidents covers 284 persons killed and 827 persons injured, as referred to in preceding statement.

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No. 16.—STATEMENT showing the number of trespassers killed and injured by Provinces and Railways for twelve months ending December 31, 1920

Name of Railway	Nova Scotia		New Brunswick		Quebec		Ontario		Manitoba		Saskatchewan		Alberta		British Columbia		Total	
	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.
Grand Trunk					12	11	16	39	4	3	1	6	1	4	5	5	28	50
Canadian Pacific			1	2	6	10	13	12	1	2	2	1					31	42
Canadian National					2	4	2								1		8	19
Hull Electric					1												1	
New York Central						1												
Grand River																		
Toronto, Hamilton and Buffalo							1	1										1
Michigan Central							2											1
Maine Central							1	1									1	2
Brantford and Hamilton					1		1										1	1
Windsor, Essex and Lake Shore								1										1
Lake Erie and Northern								1										1
Grand Trunk Pacific																	2	
Vancouver, Victoria and Eastern										1					2	1		1
Midland																		1
			1	2	22	26	33	57	5	6	3	7	1	16	8	6	73	120

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No. 17.—STATEMENT showing the number of persons killed and injured on the various railways under the jurisdiction of the Board from April 1, 1912, until March 31, 1919, nine months ending December 31, 1919, and twelve months ending December 31, 1920, classified under three headings and shown separately for each and every year.

Year	Passengers		Employees		Others		Total	
	K.	I.	K.	I.	K.	I.	K.	I.
1912.....	28	292	230	1,381	231	238	489	1,911
1913.....	21	410	303	1,603	319	218	643	2,231
1914.....	31	339	249	1,250	314	310	594	1,899
1915.....	8	239	99	873	230	251	337	1,363
1916.....	17	140	120	788	200	197	337	1,125
1917.....	16	280	155	1,174	212	239	383	1,693
1918.....	22	342	137	1,220	174	268	333	1,830
1919.....	28	202	117	1,344	119	267	264	1,813
1919—9 months.....	4	274	91	951	128	277	223	1,502
1920—12 months.....	17	379	80	1,570	157	381	254	2,330
	192	2,897	1,581	12,154	2,084	2,646	3,857	17,697

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No. 18.—STATEMENT showing the number of persons killed and injured in the more prominent accidents on the various railways under the jurisdiction of the Board shown separately for each year of the three years ending March 31, 1919, nine months ending December 31, 1919, and twelve months ending December 31, 1920.

	1917		1918		1919		9 months 1919		12 months 1920		Total	
	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.
Derailment.....	10	234	19	242	9	159	13	247	11	316	62	1,198
Collision head on.....	6	45	6	47	8	57	4	85	.....	66	24	300
Collision rear end.....	16	42	14	86	3	53	1	15	14	58	48	254
Collision in yard.....	3	13	9	58	2	40	.....	21	2	45	16	177
Collision with cars, open switch.....	.....	15	.....	7	1	7	2	20	.....	21	3	70
Collision with cars foul of main line.....	2	5	.....	14	.....	1	.....	1	.....	4	2	25
Collision at level crossing.....	2	22	.....	14	3	18	.....	3	.....	4	5	61
Highway crossing protected.....	15	38	15	32	14	47	12	25	16	51	72	193
Highway crossing unprotected.....	45	98	52	119	27	115	36	138	52	164	212	634
Adjusting couplers, uncoupling, etc.....	5	53	5	70	6	75	3	59	6	101	25	358
Trespassing.....	129	79	93	64	77	102	64	68	73	120	436	433
Hand car, motor, struck by train.....	6	7	5	11	10	15	7	8	6	44	34	85
Struck by switch stand, etc.....	.....	19	.....	15	2	22	.....	25	.....	43	2	124
Crushed between cars and buildings.....	1	17	1	12	3	13	.....	6	.....	16	5	64
Falling off passenger train.....	4	13	4	13	7	7	1	17	3	24	19	74
Falling off top of car.....	4	21	6	23	2	37	7	37	3	33	22	151
Falling between cars going over top.....	2	4	1	2	3	9	1	5	3	2	10	22
Jumping off train in motion.....	12	53	6	46	5	46	1	54	4	62	28	261
Attempt to board train in motion.....	4	30	13	24	3	35	1	31	.....	57	21	177
Run down by engine of car.....	63	56	43	50	32	54	27	41	26	76	191	277
Locomotive dropping crown sheet.....	.....	2	18	3	1	8	.....	4	.....	.....	19	17
	329	866	310	952	218	920	180	910	219	1,307	1,256	4,955

No. 19.—STATEMENT showing number of cars inspected together with defects for twelve months ending December 31, 1920.

Name of Railway	Cars Inspected	Cars Defective	Per Cent Defective	Couplers and parts	Per Cent Defective	Uncoupling Mechanism	Per Cent Defective	Hand-holds	Per Cent Defective	Air Brakes	Per Cent Defective
Canadian Pacific.....	31,540	1,433	4.54	60	3.33	282	15.66	49	2.72	1,113	61.79
Grand Trunk.....	18,968	892	4.70	40	3.86	182	17.55	38	3.66	655	63.06
Canadian National.....	82,505	416	5.01	27	5.82	119	25.65	18	3.87	234	50.43
Grand Trunk Pacific.....	1,695	70	4.12	3	4.22	19	26.76	5	7.01	31	43.66
Pere Marquette.....	270	23	8.50	1	4.17	3	12.50	.....	.....	20	83.33
Toronto, Hamilton and Buffalo..	1,391	61	4.38	1	1.43	10	14.29	3	4.28	50	71.43
Boston and Maine.....	206	14	6.77	.....	.....	1	5.88	.....	.....	12	70.59
Michigan Central.....	2,335	83	3.55	1	1.09	9	9.78	3	3.26	76	82.60
Dominion Atlantic.....	505	48	9.50	3	4.48	12	17.90	1	1.50	41	61.20
Halifax and Southwestern.....	310	28	9.03	1	2.63	9	23.68	3	7.89	20	52.63
Algoma Central and Hudson Bay	260	18	6.92	.....	.....	2	11.11	1	5.56	14	77.77
Quebec Central.....	143	45	31.46	2	3.13	9	14.06	2	3.13	45	70.31
Winnipeg Joint Terminals.....	235	4	1.70	.....	.....	.....	.....	.....	.....	7	100.00
	66,108	3,135	4.74	139	3.69	657	17.48	123	3.21	2,318	61.48

Name of Railway	Ladders	Per Cent Defective	Sill Steps	Per Cent Defective	Height of Couplers	Per Cent Defective	Miscellaneous	Per Cent Defective
Canadian Pacific.....	105	5.83	145	8.05	4	0.22	43	2.38
Grand Trunk.....	33	3.18	49	4.74	13	1.25	27	2.60
Canadian National.....	12	2.51	32	6.89	2	0.43	20	4.42
Grand Trunk Pacific.....	5	7.04	4	5.63	.....	.....	4	5.63
Pere Marquette.....	.....	.....	.....	.....	.....	.....	.....	.....
Toronto, Hamilton and Buffalo.....	4	5.71	1	1.43	.....	.....	1	1.43
Boston and Maine.....	1	5.88	3	17.65	.....	.....	.....	.....
Michigan Central.....	.....	.....	.....	.....	2	2.07	1	1.09
Dominion Atlantic.....	2	2.98	8	11.94	.....	.....	.....	.....
Halifax and Southwestern.....	1	2.64	3	7.89	.....	.....	1	2.64
Algoma Central and Hudson Bay.....	1	5.56	.....	.....	.....	.....	.....	.....
Quebec Oriental.....	2	3.12	4	6.25
Winnipeg Joint Terminals.....
	166	4.40	249	6.60	21	0.55	97	2.57

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No. 20.—STATEMENT showing defective safety appliances on freight cars as reported by the inspectors for twelve months ending December 31, 1920.

COUPLERS AND PARTS		AIR BRAKES	
Coupler body broken.....	8	Triple valve defective.....	
Coupler body worn.....	1	Triple valve missing.....	
Guard arm short.....	14	Reservoir defective.....	
Knuckle broken.....	1	Reservoir loose.....	1
Knuckle worn.....		Cylinder defective.....	15
Knuckle missing.....	6	Cylinder loose.....	38
Knuckle pin broken.....	4	Cylinder and triple valve not cleaned within twelve months.....	32
Knuckle pin wrong.....		Cylinder and triple valve not stencilled with date of cleaning.....	
Knuckle pin bent.....	6	Cut out cock defective.....	64
Knuckle pin missing.....	95	Release cock defective.....	4
Lock block broken.....		Release cock missing.....	2
Lock block worn.....		Release rod broken.....	132
Lock block wrong.....		Release rod missing.....	103
Lock block bent.....		Angle cock defective.....	137
Lock block inoperative.....	1	Angle cock missing.....	5
Lock block missing.....	1	Train pipe broken.....	15
Lock block key missing.....	1	Train pipe loose.....	52
Lock block trigger missing.....	1	Train pipe bracket missing.....	66
Total.....	139	Crossover pipe defective.....	20
UNCOUPLING MECHANISM		Hose defective.....	2
Uncoupling lever broken.....	33	Hose missing.....	52
Uncoupling lever wrong.....	6	Hose gasket missing.....	10
Uncoupling lever bent.....	37	Retaining valve defective.....	29
Uncoupling lever incorrectly applied.....	6	Retaining valve missing.....	6
Uncoupling lever missing.....	28	Retaining pipe defective.....	92
Uncoupling chain broken.....	464	Retaining pipe missing.....	6
Uncoupling chain too long.....	3	Brake rigging defective.....	178
Uncoupling chain too short.....	2	Brake cut out.....	1,252
Uncoupling chain kinked.....	1	Brake cut out card old.....	
Uncoupling chain missing.....	31	No brakes of any kind.....	4
End casting broken.....	4	Pump missing.....	1
End casting wrong.....		Total.....	2,318
End casting bent.....		LADDERS	
End casting loose.....	6	Ladder round broken.....	18
End casting incorrectly applied.....		Ladder round bent.....	101
End casting missing.....	9	Ladder round loose.....	8
Keeper broken.....	5	Ladder round missing.....	4
Keeper wrong.....		Ladder loose.....	7
Keeper bent.....	1	Ladder incorrectly applied.....	28
Keeper loose.....	13	Total.....	166
Keeper incorrectly applied.....	1	SILL STEPS	
Keeper missing.....	7	Sill step broken.....	5
Angle clip loose.....		Sill step bent.....	227
Total.....	657	Sill step loose.....	4
HANDHOLDS		Sill steps incorrectly applied.....	10
Handhold broken.....	10	Sill step missing.....	3
Handhold bent.....	92	Total.....	249
Handhold loose.....	12	MISCELLANEOUS—Total.....	
Handhold incorrectly applied.....	2	Grand total.....	
Handhold missing.....	7	3,770	
Total.....	123		
HEIGHT OF COUPLERS			
Coupler too high.....			
Coupler too low.....	9		
Carrier iron loose.....	12		
Total.....	21		

11 GEORGE V, A. 1921

No. 21A.—STATEMENT of defects on freight cars shown separately for three years ending March 31, 1919, nine months ending December 31, 1919, and twelve months ending December 31, 1920.

	1917	1918	1919	Nine months ending Dec. 31, 1919	Twelve months ending Dec. 31, 1920	Total
Couplers and parts.....	100	54	109	71	139	473
Uncoupling mechanism.....	548	470	809	398	657	2,882
Handholds.....	291	158	152	55	123	779
Air brakes.....	1,887	1,710	2,959	1,507	2,318	10,381
Ladders.....	99	97	142	71	166	575
Sill steps.....	195	158	236	179	249	1,017
Height of couplers.....	4	6	11	9	21	51
Miscellaneous.....	371	214	342	92	97	1,116
	3,495	2,867	4,760	2,382	3,770	17,274

SESSIONAL PAPER No. 20c

No. 21B.—STATEMENT of Cars Inspected and Defective Shown Separately for Three Years Ending March 31, 1919, Nine Months Ending December 31, 1919, and Twelve Months Ending December 31, 1920.

	1917	1918	1919	Nine months ending Dec. 31, 1919	Twelve months ending Dec. 31, 1920	Total
Cars inspected.....	58,073	52,224	77,261	45,871	66,108	299,537
Cars defective.....	2,957	2,499	4,232	2,142	3,135	14,965
Percentage defective....	5.09	4.79	5.48	4.67	4.74	4.99

SESSIONAL PAPER No. 20c

	No.	Locomotives	Engines	Cars	Trains	Passenger cars	Freight cars	Box cars	Flat cars	Stock cars	Other	Total	Defective	Percentage
38. Packing nuts.....	2	-	-	-	-	-	-	-	-	-	-	-	-	-
39. Piston rod and valve stem....	2	-	-	-	-	-	-	-	-	-	-	-	-	-
40. Pilots or pilot beams.....	2	18	-	-	-	-	-	-	-	-	-	-	-	-
41. Plugs or studs.....	5	1	-	-	-	-	-	-	-	-	-	-	-	-
42. Reversing gear.....	-	-	-	-	-	-	-	-	-	-	-	-	-	-
43. Rods, main or side, crank pins or collars.....	2	3	1	-	-	-	-	-	-	-	-	-	-	-
44. Safety valves.....	-	-	-	-	-	-	-	-	-	-	-	-	-	-
45. Sanders.....	2	2	-	-	-	-	-	-	-	-	-	-	-	-
46. Springs or spring rigging.....	18	18	5	-	-	-	-	-	-	-	-	-	-	-
47. Squirt hose.....	1	-	-	-	-	-	-	-	-	-	-	-	-	-
48. Staybolts.....	8	6	-	-	-	-	-	-	-	-	-	-	-	-
49. Staybolts broken.....	2	3	-	-	-	-	-	-	-	-	-	-	-	-
50. Steam pipes.....	-	-	-	-	-	-	-	-	-	-	-	-	-	-
51. Steam valves.....	3	-	-	-	-	-	-	-	-	-	-	-	-	-
52. Steps.....	11	9	1	-	-	-	-	-	-	-	-	-	-	-
53. Tanks or tank valves.....	14	46	3	-	-	-	-	-	-	-	-	-	-	-
54. Telltale holes.....	3	-	-	-	-	-	-	-	-	-	-	-	-	-
55. Throttle or throttle rigging.....	2	-	-	-	-	-	-	-	-	-	-	-	-	-
56. Trucks, engine or trailing.....	1	6	-	-	-	-	-	-	-	-	-	-	-	-
57. Trucks, tender.....	25	13	10	-	-	-	-	-	-	-	-	-	-	-
58. Valve motion.....	-	1	-	-	-	-	-	-	-	-	-	-	-	-
59. Washout plugs.....	50	29	11	-	-	-	-	-	-	-	-	-	-	-
60. Water bar or combustion flues.....	1	-	-	-	-	-	-	-	-	-	-	-	-	-
61. Waterglass, fittings or shield.....	-	-	-	-	-	-	-	-	-	-	-	-	-	-
62. Wheels.....	33	38	4	-	-	-	-	-	-	-	-	-	-	-
63. Miscellaneous, signal appliance, badge, plates, brakes (hand).....	19	24	18	-	-	-	-	-	-	-	-	-	-	-
64. Fire protective appliances.....	18	196	-	-	-	-	-	-	-	-	-	-	-	-
Number of defects.....	474	556	73	46	120	16	16	16	16	16	16	66	11	3
Locomotives inspected.....	3,252	3,299	318	152	1,189	73	16	45	212	23	43	26	42	2
Locomotives defective.....	385	447	46	32	102	16	16	10	66	13	3	14	24	2
Percentage inspected, found defective....	12	13	14	21	9	22	22	22	31	57	7	54	57	100

11 GEORGE V, A. 1921

No. 22.—STATEMENT showing number of engines inspected, by railways, together with defects, for twelve months ending December 31, 1920.—*Concluded.*

Locomotive Defects	Q.M. & S.	H. & S.W.	Q.C.R.	Temis.	A.Q. & W.	Q.O.R.	T.H. & B.	B. & M.	D.A.R.	O. & N.Y.	N.B. Coal & Rail'y	C.V.R.	W.P. & Y.	Total Defects
1 Air compressors.....	-	-	-	-	-	-	-	-	-	-	-	-	-	17
2 Arch tubes.....	-	-	-	-	-	-	1	-	-	-	-	-	-	19
3 Ash pans or mechanism.....	-	-	-	-	-	-	-	-	-	-	-	-	-	3
4 Axles.....	-	-	-	-	-	-	-	-	-	-	-	-	-	15
5 Blow-off cocks.....	-	-	-	-	-	-	-	-	-	-	-	-	-	-
6 Boiler checks.....	-	-	-	-	-	-	-	-	2	-	-	-	-	11
7 Boiler shell.....	-	-	-	-	1	1	-	-	2	-	-	-	-	16
8 Brake equipment.....	-	-	-	-	-	-	-	-	-	-	-	-	-	11
9 Cabs or cab windows.....	-	-	-	-	-	-	-	-	-	-	-	-	-	-
10 Cab aprons or decks.....	-	-	-	-	-	-	-	-	-	-	-	-	-	1
11 Cab cards.....	-	-	-	-	-	-	-	-	-	-	-	-	-	19
12 Coupling or uncoupling devices.....	-	-	-	-	1	1	-	-	-	-	-	-	-	3
13 Crossheads, guides, pistons or piston rods.....	-	-	-	-	-	-	1	-	-	-	-	-	-	1
14 Crown bolts.....	-	-	-	-	-	1	1	-	-	1	-	-	-	36
15 Cylinders, saddles or steam chests.....	-	-	-	-	-	-	-	-	-	-	-	-	-	7
16 Cylinder cocks or rigging.....	-	-	-	-	-	-	-	-	2	-	-	-	-	66
17 Domes or dome caps.....	-	-	-	-	-	-	1	-	-	-	-	-	-	-
18 Draft gear.....	-	-	-	-	-	-	-	-	-	-	-	-	-	-
19 Draw gear.....	-	-	-	-	-	-	-	-	-	-	-	-	-	-
20 Driving boxes, shoes, wedges, pedestals and braces.....	-	-	-	-	-	-	-	-	1	1	-	-	-	3
21 Fire-box sheets.....	-	-	-	-	-	1	-	-	-	-	-	-	-	13
22 Flues.....	-	-	-	-	-	-	-	-	-	-	-	-	-	7
23 Frames, tail-pieces, or braces, locomotive.....	-	-	-	-	-	-	-	-	1	-	-	-	-	7
24 Frames, tender.....	-	-	-	-	-	-	-	-	-	-	-	-	-	3
25 Gauges or gauge fittings, air.....	-	-	-	-	-	-	-	-	-	-	-	-	-	2
26 Gauges or gauge fittings, steam.....	-	-	-	-	-	-	-	-	-	-	-	-	-	8
27 Gauge cocks.....	-	-	-	-	-	-	-	-	-	-	-	-	-	4
28 Grate shakers.....	-	-	-	-	-	-	-	-	-	-	-	-	-	75
29 Handholds.....	-	-	-	-	-	-	-	1	-	-	-	-	-	6
30 Injectors, inoperative.....	-	-	-	-	-	-	-	-	-	-	-	-	-	43
31 Injectors and connections.....	-	-	-	-	-	-	-	-	-	-	-	-	-	-
32 Inspection or test not made as required.....	-	-	-	-	-	-	-	-	-	-	-	-	-	26
33 Lateral motion.....	-	-	-	-	-	-	-	-	-	-	-	-	-	2
34 Lights, cab or classification.....	-	-	-	-	-	-	-	-	-	-	-	-	-	2
35 Lights, headlights.....	-	-	-	-	-	-	-	-	-	-	-	-	-	2
36 Lubricator or shields.....	-	-	-	-	-	-	-	-	-	-	-	-	-	48
37 Mudrings.....	-	-	-	-	-	-	2	-	-	-	-	-	-	-

SESSIONAL PAPER No. 20c

38 Packing nuts.....	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
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APPENDIX " D "

REPORT OF THE CHIEF FIRE INSPECTOR OF THE BOARD FOR THE
TWELVE MONTHS ENDING DECEMBER 31, 1920

Mr. A. D. CARTWRIGHT,

Secretary, Board of Railway Commissioners,
Ottawa, Ont.

SIR:—I have the honour to submit, for the sixteenth annual report of the Board, the annual report of the Fire Inspection Department for the year ending December 31, 1920.

ORGANIZATION

The organization for local inspection has continued, in co-operation with the Dominion and provincial forest fire protective organizations, along substantially the same lines as previously reported.

RAILWAY FIRE PATROLS

The patrol requirements were generally well carried out by the railways. On certain portions of the Canadian National and Grand Trunk Pacific lines in Alberta and British Columbia it was found necessary to intensify the patrols, and supplementary requirements were issued to the companies concerned. This action was made necessary by the increased fire hazard, due to a period of drought, coupled with the use, as locomotive fuel, of light-bodied grades of coal.

The only complaint received during the fire season with respect to the maintenance of special patrols was as to the requirements for the Brazeau subdivision of the Canadian National Railways, where there was room for considerable improvement.

Reference was made in the last annual report of this Department to trials being under way to demonstrate the feasibility of handling special patrols by section forces. These experiments have continued during the past year, particularly on Canadian Pacific lines in British Columbia, and there is every prospect of the plan being adopted on a material scale during the ensuing year, under conditions to be prescribed by the Chief Fire Inspector.

FIRE STATISTICS

The fire season of 1920 in the eastern and western sections of the Dominion was a hazardous one, while in the central sections or Prairie Provinces conditions were on the whole favourable to fire protection.

Extremely dry weather was experienced during the month of May and the early part of June in the provinces of Nova Scotia, New Brunswick and Quebec. Hot, dry weather, with high winds, was experienced during July, August and September in British Columbia, particularly between the Alberta boundary and Fort George, and down the valley of the North Thompson river.

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A grand total of 1,732 fires from all causes were reported as having originated within 300 feet of railway lines in forested territory, along railways subject to the jurisdiction of the Board, as follows:—

Province	Number of fires	Per cent of total
British Columbia.. .. .	524	30.3
Prairie Provinces.. .. .	480	27.7
Ontario.. .. .	504	29.1
Quebec.. .. .	134	7.7
New Brunswick.. .. .	34	2.0
Nova Scotia.. .. .	56	3.2
Totals.. .. .	1,732	100.0

Of these, 745 are class A fires, covering less than one-fourth acre each, and doing no damage, while 987 are class B fires which burned over 106,853 acres and destroyed forest growth and forest products valued at \$222,931 and other property valued at \$75,913, a total of \$298,844.

Of the grand total 1,483 fires, or 85.62 per cent were definitely attributed to railway agencies; 61 fires or 3.52 per cent, to known causes other than railways, and 188 fires or 10.85 per cent to unknown causes.

Of the total area of 106,853 acres burned over, 92.31 per cent is chargeable to railway causes, 1.22 per cent to known causes other than railways, and 6.47 per cent to unknown causes.

Of the total of \$298,844 damage, the railways are definitely charged with 93.88 per cent; 2.31 per cent of the damage is due to known causes other than railways, and 3.81 per cent to unknown causes.

Of the 1,483 fires which the railways are definitely charged with having caused, 1,414, or 81.65 per cent of the grand total, are attributed to sparks from locomotives, and 69 fires, or 3.97 per cent of the grand total, to employees.

There has been a serious increase in the number of fires set by locomotive sparks during recent years. This may be attributed in part to increased railway mileage, and in part to an increase in the number of locomotives in use. In the judgment of this department, however, the principal factors are to be found elsewhere. In the sections of this report relating to coal fuel and to fire protective appliances on locomotives, this situation is elaborated further.

The Canadian Government Railways, although administered as a part of the Canadian National Railways System, are not yet under the Board's jurisdiction, and are consequently not covered in this report. This includes the following lines: Intercolonial, including Salisbury and Albert, Moncton and Buctouche, Elgin and Havelock, Caraquet, and International Railway of New Brunswick; Prince Edward Island Railway; New Brunswick and Prince Edward Island Railway; St. John and Quebec Railway; Transcontinental Railway, Moncton to Winnipeg, and the Lake Superior Branch; and Hudson Bay Railway.

SUMMARY of reports on fires in Forest Sections originating within 300 feet of track on Railway Lines subject to the jurisdiction of the Board of Railway Commissioners for Canada, Season of 1920.

	Canadian Pacific (Western Lines) (a)	Canadian Pacific (Eastern Lines) (b)	Canadian National (Western Lines) (c)	Canadian National (Eastern Lines) (c) (d)	Grand Trunk Pacific	Grand Trunk	Great Northern	Edmonton Dunvegan and British Columbia	Algoma Central and Hudson Bay	Miscellaneous (e)	Totals
A. RAILWAY FIRES											
1. Number by Causes—											
(a) Locomotives, Class A fires.	127	27	44	243	154		7	39	2	15	658
Locomotives, Class B fires.	127	110	111	106	121	11	23	102	13	32	756
(b) Employees, Class A fires.	1	1	8	6	2						18
Employees, Class B fires.	7	4	11	15	8	3	1	1	1		51
(c) Total of Class A fires.	128	28	52	249	156		7	39	2	15	676
Total of Class B fires.	134	114	122	121	129	14	24	103	14	32	807
Total of all railway fires.	262	142	174	370	285	14	31	142	16	47	1,483
2. Areas burned (Acres)—											
(a) Young forest growth.	262	8,880	9,308	37,644	1,021	119	67	241	7,001	1,519	66,062
(b) Timber land.	1,045	497	1,773	5,966	1,009	100	495	215	1,523	128	12,751
(c) Slashing or old burn.	1,046	1,173	979	7,761	587	629	1,440	343	642	8	14,608
(d) Other classes of land.	1,147	164	2,495	209	712	6	220	217		41	5,211
(e) Total.	3,500	10,714	14,555	51,580	3,329	854	2,222	1,016	9,166	1,696	98,632
3. Value of property destroyed—											
(a) Young forest growth.	\$ 2,174	\$ 5,186	\$21,368	\$65,714	\$ 7,013	\$ 126	\$ 100	\$ 823	\$ 9,501	\$ 1,772	\$113,777
(b) Standing timber.	2,306	4,360	14,088	23,206	13,463	315	1,025	430	1,780	3,947	64,920
(c) Forest products.	6	25	2,935	22,201	250			52	7,560	2,400	35,429
(d) Other property.	626	1,331	1,415	31,678	190	42	157	165	2,200	28,624	66,428
(e) Total.	5,112	10,902	39,806	142,799	20,916	483	1,282	1,470	21,041	36,743	280,554
B. KNOWN CAUSES OTHER THAN RAILWAY FIRES											
Number by Causes—											
(a) Campers and travellers, Class A.	3		1	3				1			8
Campers and travellers, Class B.	1	2	1	1							5
(b) Settlers, Class A.				1				1			2

	Settlers, Class B.....	1	5	2	6	1	.....	1	.....	1	.....	1	.....	17
(c)	Other known causes, Class A.....	4	.....	4	3	.....	.....	.....	.....	.....	.....	.....	.....	11
	Other known causes, Class B.....	.....	3	4	5	2	4	.....	.....	.....	.....	.....	.....	18
(d)	Total of Class A fires.....	7	.....	5	7	.....	.....	2	.....	.....	.....	.....	.....	21
	Total of Class B fires.....	2	10	7	12	3	4	1	.....	.....	.....	.....	.....	40
	Total of all known causes.....	9	10	12	19	3	4	3	.....	.....	.....	.....	.....	61
2.	Areas burned (Acres)—													78
(a)	Young forest growth.....	.....	20	.....	3	55	.....	.....	.....	.....	.....	.....	.....	2
(b)	Timber land.....	.....	.....	.....	2	.....	.....	.....	.....	.....	.....	.....	.....	1,059
(c)	Slashing or old burn.....	50	104	101	681	105	14	4	.....	.....	.....	.....	.....	164
(d)	Other classes of land.....	30	6	29	13	.....	82	.....	.....	4	.....	.....	.....
(c)	Total.....	80	130	130	699	160	96	4	.....	4	.....	.....	.....	1,303
3.	Value of property destroyed—													
(a)	Young forest growth.....	.....	\$ 69	\$	\$ 15	\$ .....	.....	.....	.....	.....	.....	.....	.....	\$ 84
(b)	Standing timber.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
(c)	Forest products.....	789	214	155	5,420	50	188	.....	.....	1	.....	.....	.....	343
(d)	Other property.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	6,474
(c)	Total.....	789	283	155	5,435	50	188	.....	.....	1	.....	.....	.....	6,901
C.	FIRES OF UNKNOWN ORIGIN													
(a)	Total of Class A fires.....	11	9	8	16	.....	.....	.....	.....	3	1	.....	.....	48
(b)	Total of Class B fires.....	28	34	19	34	8	3	.....	.....	8	5	.....	.....	140
(c)	Total of all unknown fires.....	39	43	27	50	8	3	.....	.....	11	6	.....	.....	188
2.	Areas burned in acres—													
(a)	Young forest growth.....	135	381	788	117	.....	3	.....	.....	150	.....	.....	.....	1,584
(b)	Timber land.....	70	15	.....	6	15	10	.....	.....	.....	.....	.....	.....	136
(c)	Slashing or old burn.....	247	2,205	134	363	158	25	.....	.....	683	.....	.....	.....	3,815
(d)	Other classes of land.....	936	34	139	240	2	.....	.....	.....	30	2	.....	.....	1,383
(c)	Total.....	1,388	2,635	1,061	726	175	28	.....	.....	863	2	.....	.....	6,918
3.	Value of property destroyed—													
(a)	Young forest growth.....	\$ 700	\$ 1,156	\$ 4,215	\$ 302	\$	\$ 10	\$	\$ 50	\$	\$	\$	\$	\$ 6,448
(b)	Standing timber.....	900	105	.....	90	.....	150	.....	.....	.....	.....	.....	.....	1,245
(c)	Forest products.....	.....	680	.....	5	.....	.....	.....	.....	.....	.....	.....	.....	685
(d)	Other property.....	.....	98	1,091	1,258	205	55	.....	.....	.....	304	.....	.....	3,011
(c)	Total.....	1,600	2,039	5,306	1,655	205	160	70	.....	50	304	.....	.....	11,389

SUMMARY of reports on fires in Forest Sections originating within 300 feet of track on Railway Lines subject to the jurisdiction of the Board of Railway Commissioners for Canada, Season of 1920—*Concluded*

	Canadian Pacific (Western Lines) (a)	Canadian Pacific (Eastern Lines) (b)	Canadian National (Western Lines) (c)	Canadian National (Eastern Lines) (c) (d)	Grand Trunk Pacific	Grand Trunk	Great Northern	Edmonton Dunvegan and British Columbia	Algoma Central and Hudson Bay	Miscellaneous (e)	Totals
D. GRAND TOTALS FOR ALL CAUSES											
1. Number—											
(a) Total of all Class A fires.....	146	37	65	272	156	.....	7	41	5	16	745
(b) Total of all Class B fires.....	164	158	148	167	140	15	31	104	23	37	987
(c) Total of all fires reported.....	310	195	213	439	296	15	38	145	28	53	1,732
2. Areas burned in acres—											
(a) Young forest growth.....	397	9,281	10,096	37,764	1,076	129	70	241	7,151	1,519	67,724
(b) Timber land.....	1,115	512	1,773	5,974	1,024	130	495	215	1,523	128	12,889
(c) Slashing or old burn.....	1,343	3,482	1,214	8,805	850	629	1,479	347	1,325	8	19,482
(d) Other classes of land.....	2,113	204	2,663	462	714	6	302	217	34	43	6,758
(e) Total.....	4,968	13,479	15,746	53,005	3,664	894	2,346	1,020	10,033	1,698	106,853
3. Value of property destroyed—											
(a) Young forest growth.....	\$ 2,874	\$ 6,411	\$25,583	\$66,031	\$ 7,013	\$ 136	\$ 115	\$ 823	\$ 9,551	\$ 1,772	\$120,309
(b) Standing timber.....	3,206	4,465	14,088	23,296	13,463	465	1,025	430	1,780	3,947	66,165
(c) Forest products.....	6	705	3,090	22,206	250	.....	188	52	7,560	2,400	36,457
(d) Other property.....	1,415	1,643	2,506	38,356	445	42	212	165	2,201	28,928	75,913
(e) Total.....	7,501	13,224	45,267	149,889	21,171	643	1,540	1,470	21,092	37,047	298,844

(a) Includes Esquimalt and Nanaimo and Kettle Valley Railways.
(b) Includes Dominion Atlantic, Fredericton, and Grand Lake Coal and Railway, and Quebec Central Railway.
(c) Includes Canadian National Railway Lines subject to the Board's jurisdiction. Excludes Canadian Government Railways (Transcontinental, Intercolonial, and Hudson Bay Railways).
(d) Includes Halifax and South Western Railway.
(e) Includes following lines: Algoma Eastern; Atlantic, Quebec, and Western; Cumberland Railway and Coal Co.; Quebec, Montreal, and Southern; Quebec Oriental; Temiscouata; and White Pass and Yukon.
NOTE:—No fires were reported during 1920 as originating within 300 feet of track along the following lines: Boston and Maine; New Brunswick Coal and Railway; Maine Central; Ottawa and New York; Western Power Company of Canada.
Class A fires are those which cover an area of less than one-fourth acre.
Class B fires are those which cover an area of one-fourth acre or more.

SESSIONAL PAPER No. 20c

OIL FUEL

During the past year, the use of oil as locomotive fuel was continued on 1,244 miles of track, distributed as follows: Canadian National Railways (Grand Trunk Pacific Railway) between Prince George and Prince Rupert, 468 miles; Canadian Pacific Railway, British Columbia District, between Field and Kamloops, also between North Bend and Vancouver, and on the Arrow Lake and Okanagan Subdivisions, a total of 462 miles; Great Northern Railway lines in southern British Columbia, 115 miles; Esquimalt and Nanaimo Railway on Vancouver Island, 199 miles.

Recent reports are to the effect that the use of oil as locomotive fuel is to be abandoned, and a reversion to coal fuel is to be effected on the following portions of the lines indicated in the foregoing paragraph: Canadian Pacific, all lines except between Field and Revelstoke; Great Northern, all lines in southern British Columbia.

On the Canadian Pacific, between Revelstoke and Kamloops, it is announced that oil fuel will be continued on passenger engines, while coal fuel will be in use on freight engines.

Arrangements are to be made for special fire patrols on lines through forested territory where the use of oil fuel is to be discontinued in whole or in part.

COAL FUEL

The considerable increase in the number of fires set by sparks from locomotives may properly be attributed in part to a general lowering in the quality of locomotive fuel now used, more particularly on western lines, where there has been a much greater use of free-burning, light-bodied, non-coking coals. The logical remedy for this situation is, however, not the enforced discontinuance of this class of fuel, but the development of a fire protective device for locomotive front ends that will enable such fuel to be used with safety. On the other hand, pending such action, the use of these coals as locomotive fuel should be restricted to the winter months, so far as available supplies of the heavier grades of coal, possessing coking qualities, will permit. So far as action along these lines is impracticable, the obvious remedy is intensified fire patrol.

One specific complaint was received to the effect that lignite coal was being burned as locomotive fuel. On investigation it was found that a mixture of light-bodied non-coking coals together with higher grade coal was being used in which the percentage of low grade coals was excessive.

FIRE PROTECTIVE APPLIANCES ON LOCOMOTIVES

During the fire season, 2,269 inspections of fire protective appliances on locomotives, operating through forested territory, were made by officers of the Fire Inspection Department. Of this total, the fire protective appliances on 406 locomotives, or 17.89 per cent, were found to be in a defective state.

The Master Mechanics front end will not entirely prevent the setting of fires by locomotive sparks, even when in perfect condition. This situation is rendered doubly serious when free-burning, light-bodied, non-coking coals are used as locomotive fuel during periods of extreme drought, as has been the case in the West, particularly during 1920. The summer use of such fuel was made necessary by the fact that adequate supplies of other grades could not be secured. There is the most urgent need for the development of a front-end appliance that will render safe the use of the class of coals in question; these coals are excellent from the viewpoint of steaming qualities, but they spark excessively.

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The following summary indicates the number of locomotives inspected and the number found defective on the more important lines:—

SUMMARY OF INSPECTION OF LOCOMOTIVES, 1920.

Railway	Province	Number Inspected	Number Defective	Per Cent Defective
Canadian Pacific	New Brunswick.....	72	55	76·4
Canadian Pacific.....	Quebec.....	121	6	4·9
Canadian Pacific.....	Ont.....	629	110	17·5
Canadian Pacific.....	Western lines.....	97	7	7·2
Canadian National.....	Quebec.....	44	1	2·27
Canadian National.....	Ontario.....	338	25	7·4
Canadian National.....	Western lines.....	245	37	15·1
Grand Trunk.....	Quebec.....	26	1	3·85
Grand Trunk.....	Ontario.....	214	11	5·1
Grand Trunk Pacific.....	Prairie Provinces and British Columbia.....	165	61	37·0
Quebec Oriental and Atlantic, Quebec and Western.....	Quebec.....	10	4	40·0
Algoma Central and Hudson Bay.....	Ontario.....	25	3	12·0
Algoma Eastern.....	Ontario.....	25	13	52·0
Great Northern.....	British Columbia.....	27	14	51·8
Kettle Valley.....	British Columbia.....	44	24	54·5
Edmonton, Dunvegan and British Columbia.....	Alberta.....	75	16	21·3

RIGHT OF WAY CLEARING

Systematic clearing of rights of way was carried on throughout the year, though to less extent than should have been the case. Very little progress was made, for example, on the Ontario lines of the Canadian National Railways.

During the year several specific complaints were received as to unsatisfactory conditions existing upon certain portions of the rights of way of following lines: Canadian Pacific Eastern Lines, Piles and St. Maurice subdivisions; Canadian National Eastern Lines, Batiscan and Jonquiere subdivisions; Canadian National Western Lines, Brazeau subdivision; Grand Trunk Pacific, Fraser subdivision; Kettle Valley and Great Northern Railways. In each case, the matter was taken up directly with the Company concerned which usually resulted in instructions being issued and action being instituted to have the necessary work proceeded with. Considerable right of way clearing work was carried out by the Canadian Pacific Railway on the Calgary subdivision through the Rocky Mountains Park, also by the Canadian National Railway and Esquimalt and Nanaimo Railway on their Vancouver Island lines.

Early in the year, the railways issued special instructions to their employees, with respect to spring burning off of rights of way, and a large amount of this class of work was accomplished. In some districts the work was greatly handicapped by extreme dry weather and high winds.

COMPLAINTS RE RIGHTS OF WAY

Failure to remove noxious weeds from right of way in accordance with section 279, Railway Act, 1919:—

Canadian Pacific Railway.. . . .	1
Canadian National Railway.. . . .	1

SESSIONAL PAPER No. 20c

FIRE GUARD REQUIREMENTS

During 1917, 1918, and 1919, the several companies concerned were granted optional authority to handle the fire-guarding of wild lands and fenced grazing lands on the basis of an eight-foot ploughed strip instead of a sixteen-foot ploughed strip on certain specified territory in the Prairie Provinces.

This modification of the fire-guard requirements was purely on an experimental basis, to determine what reduction in the cost of ploughing fire-guards could be made consistent with public interest and safety. The experiments having proved satisfactory, the fire guard requirements were revised and amended accordingly, and reissued under date of April 20, 1920.

Under this revision, authority is granted to the respective companies to exercise the option of handling the construction of fire-guards in wild lands and fenced grazing lands on the basis of an eight-foot ploughed strip instead of a sixteen-foot ploughed strip, it being clearly understood that this option shall be exercised only where, after examination, the company is of the opinion that such action can be taken with reasonable regard for the public interest. This optional authority is subject to the following provisos: First, that each company concerned shall notify the Chief Fire Inspector as to the portions of lines where ploughing of fire-guards in wild lands and fenced grazing lands is to be on the basis of an eight-foot ploughed strip; second, that reports shall be submitted to the Chief Fire Inspector monthly, respecting all fires which originate within 300 feet of track in territory where the fire-guarding of wild lands and fenced grazing lands is on the basis of an eight-foot ploughed strip.

Such optional authority does not apply to the Edmonton, Dunvegan and British Columbia Railway west of mileage 228 from Edmonton, or to certain specified portions of the Canadian Pacific Railway lines in southern Alberta, where the ploughing of sixteen-foot guards is still required.

Railway companies were also required to post public notices throughout cultivated sections within the provinces of Manitoba, Saskatchewan and Alberta at public road crossings and stations, notifying land owners and occupants as to the requirements for the ploughing of fire-guards in grain stubble, cultivated hay and grass lands.

FIRE-GUARD STATISTICS

The Statistical fire-guard report for 1920 shows 14,310.60 track miles of railway lines in the Prairie Provinces subject to the fire-guard requirements, an increase of 54.30 miles over 1919. This is equivalent to 28,621.20 fire-guard miles, since fire-guards are required to be maintained on both sides of the track. The report indicates that 9,101.91 miles of fire-guards were constructed or maintained during the past year, and 19,519.29 miles were, for various reasons, not constructed. Of this, there were exempted by this department 8,550.74 miles; owner of land refused to allow construction, 80.16 miles; land already ploughed, 3,065.15 miles; grain stubble and cultivated hay lands not fire-guarded by owner, 5,630.11 miles. Thus, as to a total of 17,326.16 miles of fire-guards not constructed, the reasons assigned by the companies were considered acceptable, leaving 2,193.13 miles unaccounted for, but which presumably should have been fire-guarded.

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SUMMARY of fire guard construction and maintenance by railways in the Provinces of Manitoba, Saskatchewan and Alberta, 1920.

	Edmon- ton, Dunvegan and British Columbia	Great Northern	Grand Trunk Pacific	Canadian National	Canadian Pacific	Totals
Length in track miles.....	406.80	162.38	2,005.00	5,325.50	6,410.92	14,310.60
Length in fire guard miles ¹	813.60	324.76	4,010.00	10,651.00	12,821.84	28,621.20
Fire guards constructed (shown in fire guard miles)—						
(a) Grain stubble lands.. } Fireguarded		200.50	449.90	926.80	1,549.56	3,126.76
(b) Cultivated hay lands } by owner.		40.00	30.40	139.60	306.60	516.60
(c) Fenced grazing lands.....	0.40	49.00	534.10	467.90	1,395.05	2,446.45
(d) Wild lands.....		1.50	428.10	771.30	1,811.20	3,012.10
Total miles of fire guards constructed...	0.40	291.00	1,442.50	2,305.60	5,062.41	9,101.91
Fire guards not constructed (shown in fire guard miles)—						
Exemptions ²	744.41	30.00	1,034.80	4,223.90	2,517.63	8,550.74
Owner refuses to allow construction ³			1.00	8.60	70.56	80.16
Unnecessary; land already plowed ⁴ ...	9.00		393.50	1,073.90	1,588.75	3,065.15
(a) Grain stubble lands.. } Not fire-	37.10		950.70	2,146.80	2,091.41	5,226.01
(b) Cultivated hay lands } guarded by	5.70		3.50	266.80	128.10	404.10
						owner ⁵
Miscellaneous other reasons.....	16.99	3.76	184.00	625.40	1,362.98	2,193.13
Total miles of fire guards not constructed	813.20	33.76	2,567.50	8,345.40	7,759.43	19,519.29

¹ Fire guard mileage is double the track mileage, since the construction of fire guards is required on both sides of the track.
² Company exempted from fire guard construction, as to portions of line where showing made that such construction is unnecessary or impracticable.
³ Employees of railway company refused permission, by owner, to enter upon land for purpose of constructing fire guards.
⁴ Fire guarding unnecessary, because fields already plowed.
⁵ Fire guarding in grain stubble and in cultivated hay lands required only where the land owner or occupant would undertake to plow guard at the reasonable price specified by the Board.

COMPLAINTS RE FIRE GUARDS

The following specific complaints were received during the year 1920:—

- Failure to plough and maintain fire guards—
Canadian National Railway... .. 1
- Owner refuses to permit ploughing of fire guards—
Canadian Pacific Railway... .. 1

One application was received from the Canadian Pacific Railway under clause 4, section "D" of the Fire-Guard Requirements, requesting permission to enter upon land for the purpose of constructing fire-guards, where the land owner refused to allow such construction. On being investigated the matter was arranged amicably.

Respectfully submitted,

CLYDE LEAVITT.
Chief Fire Inspector.

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APPENDIX "E"

THE BOARD OF RAILWAY COMMISSIONERS FOR CANADA

RECORD ROOM

LIST of cases appealed to the Supreme Court of Canada, from February 1, 1904, to
December 31, 1920

File No.	Subject	Decision
1114	Montreal Terminal Railway <i>v.</i> Montreal Street Railway, Pius IX Avenue, Montreal. Question of jurisdiction.....	Allowed.
1492	James Bay Railway <i>v.</i> Grand Trunk Railway crossing. Belt line spur. Question of law.....	Dismissed.
383	Ottawa Electric Railway and City of Ottawa <i>v.</i> Canada Atlantic Railway, <i>re</i> Bank Street subway. Question of law.....	Dismissed.
1621	Toronto Railway Co., <i>re</i> Order of Board No. 7813 of July 3, 1909, <i>re</i> high level bridge over the Don Improvement and tracks of Canadian Pacific Railway and Grand Trunk Railway, Toronto. Question of jurisdiction.....	Dismissed.
588	<i>Re</i> Toronto Union Station. A. R. Williams expropriation. Question of jurisdiction.....	Dismissed.
C. 1680	Essex Terminal and Windsor, Essex and Lake Shore Railroad crossing township of Sandwich, Ont. Question of law.....	Dismissed.
C. 1309	Robinson <i>v.</i> Grand Trunk Railway, two cent rate. Question of law.....	Dismissed.
689	Canadian Pacific Railway <i>v.</i> Grand Trunk Railway <i>re</i> branch line at London, Ont. Question of jurisdiction.....	Dismissed.
1497	T. D. Robinson <i>v.</i> Canadian Northern Railway spur at Winnipeg. Question of jurisdiction.....	Dismissed.
9527	Montreal Street Railway <i>re</i> rates, Montreal Royal Ward. Question of jurisdiction.....	Allowed.
C. 4719	Ontario Department of Agriculture <i>v.</i> Grand Trunk Railway <i>re</i> station at Vineland, Ont. Question of jurisdiction.....	Dismissed.
C. 3322	<i>Re</i> Toronto Viaduct. Appeal of Canadian Pacific Railway on question of law.....	Dismissed.
C. 4897	<i>Re</i> fencing and cattleguards. Order No. 7473. Appeal by Canadian Northern Railway on question of jurisdiction.....	Allowed.
C. 4492	City of Toronto <i>v.</i> Grand Trunk Railway and Canadian Pacific Railway <i>re</i> commutation rates. Question of law.....	Withdrawn.
C. 2545	City of Ottawa and County of Carleton <i>re</i> Richmond Road viaduct. Question of jurisdiction.....	Dismissed.
13079	Grand Trunk Railway <i>v.</i> Canadian Northern Ontario Railway <i>re</i> spur in Township of Scarboro, Ont. Question of jurisdiction.....	Dismissed.
C. 3269	Grand Trunk Railway <i>v.</i> British American Oil Companies <i>re</i> oil rates. Question of law.....	Dismissed.
1519	Grand Trunk Pacific Railway <i>v.</i> City of Fort William, <i>re</i> location. Question of jurisdiction.....	Dismissed.
11965	Niagara, St. Catharines and Toronto Railway <i>v.</i> Davy. Question of jurisdiction.....	Allowed.
9527	Montreal Street Railway (Montreal, Park and Island Railway) <i>re</i> rates, Mount Royal Ward. Question of jurisdiction.....	Allowed.
15580	Clover Bar Coal Co. Ltd., and Wm. Humberstone <i>v.</i> Grand Trunk Pacific Railway and the Clover Bar Sand and Gravel Co. Question of jurisdiction.....	Allowed.
12682	Regina Rates Case. Question of law.....	Dismissed.
17963	Grand Trunk Pacific Railway <i>v.</i> A. E. Purcell, of Saskatoon, Sask. Question of jurisdiction.....	Dismissed.
C. 3269	Canadian Pacific Railway <i>v.</i> British American Oil Companies. Question of jurisdiction.....	Dismissed.
15330	Grand Trunk Railway and Canadian Pacific Railway <i>v.</i> Canadian Oil Companies. Question of jurisdiction.....	Dismissed.
15330-1	British Columbia Electric Railway Company, Vancouver, Victoria and Eastern Railway <i>v.</i> City of Vancouver, B.C. Question of jurisdiction.....	Dismissed.
20062		
27095		

List of cases appealed to the Supreme Court of Canada, etc.—*Concluded.*

File No.	Subject	Decision
1487	E. B. Chambers and W. B. G. Phair <i>v.</i> Canadian Pacific Railway. Question of jurisdiction.....	Allowed.
18578	Canadian Northern Railway Company <i>v.</i> Wm. A. Taylor. Question of jurisdiction.....	Dismissed.
19435	Grand Trunk Railway <i>v.</i> City of Edmonton. Question of law.....	Dismissed.
14329-9	Montreal Tramways and Montreal Park and Island Railway <i>v.</i> Lachine, Jacques Cartier and Maisonneuve Railway. Question of jurisdiction..	Allowed.
23009	City of Hamilton <i>v.</i> Toronto, Hamilton and Buffalo Railway. Question of jurisdiction.....	Allowed.
21428	Grand Trunk Railway <i>v.</i> Hepworth Silicia Pressed Brick Company. Question of law.....	Dismissed.
12021-70	Toronto Railway Company, and City of Toronto <i>v.</i> Canadian Pacific Railway. Question of law and of jurisdiction.....	Dismissed.
9437-135	City of Edmonton <i>v.</i> Edmonton and Calgary Railway. Question of law.	Dismissed.
C. 3935	Ingersoll Telephone Company (and other independent telephone companies,) <i>v.</i> Bell Telephone Company. Question of law.....	Dismissed.
27524	Grand Trunk Railway <i>v.</i> H. Bourassa, of La Prairie, Que. Questions of law and jurisdiction.....	Withdrawn.
13622	Great North Western Telegraph Company, submits for opinion of the Court, a question of law involved in matter of general Order. No. 162.	Abandoned.
27840	Government of Manitoba and J. H. Ashdown Hardware Co. <i>re</i> 15 per cent increase in freight rates. Question of jurisdiction.....	Abandoned.
26981	Canadian Pacific Railway <i>v.</i> Ontario Department of Public Works, <i>re</i> crossings in Township of Kirkpatrick. Question of law.....	Withdrawn.
11118	Esquimalt and Nanaimo Railway <i>re</i> rights of City of Victoria to have access over bridge at Victoria Harbour. Question of jurisdiction.....	Abandoned.
28439	Municipality of Burnaby, B.C. <i>v.</i> British Columbia Electric Railway <i>re</i> commutation rates. Question of jurisdiction.....	Abandoned.
28950	City of Toronto <i>v.</i> Toronto Terminal Railway <i>re</i> pressure pipes under Bay, Scott and Yonge Streets, Toronto. Question of law.....	Dismissed.
C. 3378	Application of Mr. Wagenast for a stated case in <i>re</i> Brampton commutation rate case. Question of law.....	Dismissed.
C. 2987	Ottawa Electric Railway against Order of Board disallowing proposed increase in passenger rates. Question of jurisdiction.....	Allowed.
21404-6	Board submits stated case for the opinion of the Court on question of jurisdiction in the matter of British Columbia Electric Railway Company's application for increased fares.....	Pending.

SUMMARY

Dismissed.....	27
Allowed..	10
Abandoned.....	4
Withdrawn.....	3
Pending.	1
Total.....	45

SESSIONAL PAPER No. 20c

List of appeals to the Governor-in-Council, February 1, 1904, to December 31, 1920.

File No.	Subject	Decision
399	Bay of Quinte Railway crossing Canadian Pacific Railway at Tweed, Ont.	Dismissed.
1455	James Bay Railway v. Grand Trunk Railway crossing near Beaverton, Ont.	Dismissed.
1781	Grand Trunk Railway v. City of Chatham, Ont., street crossings.	Dismissed.
12992	Maniwaki Branch of Canadian Pacific Railway train service from Ottawa.	Referred back.
2030	Re tariffs of certain Yukon Railways.	Dismissed.
17716	Canadian Pacific Railway Longue Pointe spur through town of Maisonneuve, Que.	Dismissed.
18787	South Hazelton Townsite v. Grand Trunk Pacific Railway.	Allowed.
3452-30	J. Y. Rochester re Cameron Bay v. Grand Trunk Pacific Railway.	Dismissed.
12912	Park Avenue Subway, Town of St. Louis v. Canadian Pacific Railway.	Dismissed.
17040	Lambton to Weston spur and Canadian Pacific Railway.	Abandoned.
C. 3322	Toronto Viaduct Case.	Dismissed.
12021-70	City of Toronto re Toronto North grade separation.	Dismissed.
16177	Canadian Pacific Railway v. Mountain Lumber Manufacturers Association, re lumber rates.	Withdrawn.
19024	Charles Miller of Toronto v. Grand Trunk Pacific Railway re station at Prince George, B.C.	Dismissed.
17716-10	Canadian Pacific Railway v. Town of Maisonneuve, Que., highway crossings.	Dismissed.
22681-25	City of Montreal v. Canadian Northern Railway siding across Stadacona and Marlboro streets, Montreal, Que.	Abandoned.
21418	City of Prince George, B.C. re location of Grand Trunk Pacific Railway station between Oak and Ash Streets.	Dismissed.
21660	Canadian Northern Ontario Railway v. Township of Loughboro, Ont.	Dismissed.
26169	Canadian Pacific Railway and Canadian Northern Railway Companies, re interswitching at Eastern Public Cattle Market, Montreal.	Abandoned.
17040	Canadian Pacific Railway re Lambton to Weston Spur (2nd appeal).	Referred back.
27693	City of Hamilton v. Grand Trunk Railway re passenger service on Northern and N. W. Branch, between Hamilton and Burlington Beach and Town of Burlington, Ont.	Abandoned.
27840	Winnipeg Board of Trade re 15 per cent increase in rates.	Dismissed.
28439-3	Town of St. Lambert, Que. re increase in rates on the Montreal and Southern Counties Railway.	Dismissed.
28230	City of Hamilton, Ont. re Kinnear Yard, Hamilton.	Referred back.
29040-2	National Dairy Council of Canada on behalf of Canadian Association of Ice Cream Manufacturers, re classification of ice cream.	Referred back.
C. 955	Proprietors' League of Montreal re increase in telephone rates.	Dismissed.
30434	City of Windsor, Ont., for Order rescinding Order of the Board No. 30028, authorizing Canadian Pacific Railway to construct tracks to proposed freight shed at grade across unopened portion of Caron Avenue, Windsor.	Dismissed.

SUMMARY

Dismissed.....	17
Referred back.....	4
Abandoned.....	4
Allowed.....	1
Withdrawn.....	1
Total.....	27

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APPENDIX "F"

LIST OF GENERAL ORDERS AND CIRCULARS OF THE BOARD FOR THE
YEAR ENDING DECEMBER 31, 1920.
GENERAL ORDER NO. 281:

In the matter of application No. 2, dated December 30, 1919, of the Railway Association of Canada, under Section 345 of the Railway Act, 1919, for permission to issue free or reduced rate transportation to the classes of persons specified in the application.

File No. 496.26

Upon reading the application, and considering what was filed in support thereof,—

It is ordered: That railway companies within the legislative authority of the Parliament of Canada be, and they are hereby, permitted, until further order, to issue free or reduced rate transportation to the following classes of persons, namely:—

Private secretaries of ministers of the Dominion Government, including the private secretary of the Leader of the Opposition.

F. B. CARVELL,
Chief Commissioner.

OTTAWA, January 12, 1920.

GENERAL ORDER NO. 282

In the matter of the General Order of the Board No. 25, dated January 25, 1909, prescribing the lighting systems to be used on each and every car requiring lighting on the railway, or portion of railway, operated by every railway company subject to the legislative authority of the Parliament of Canada.

File No. 29449

Upon reading what is filed on behalf of the Canadian Pacific, Grand Trunk, and Grand Trunk Pacific Railway Companies, the Wabash and Michigan Central Railroad Companies, and the Canadian National Railways, and the report and recommendation of the Mechanical Expert of the Board, concurred in by its Chief Operating Officer.

It is ordered: That the said General Order of the Board No. 25, dated January 25, 1909, be, and it is hereby, amended by adding after sub-clause (3) of clause (h), paragraph 3, the following, namely:—

"4. That in all cases of derailment or accidents to passenger cars lighted with Pintsch Gas or Commercial Acetylene, the supply of gas must be shut off, if possible, by closing the stud valves in storage tanks underneath the body of the car. Arrangements must be made to place a key securely in the gauge box underneath the car where it will readily be accessible. Instructions must be issued to train and wrecking crews to govern this matter, so that there will be no misunderstanding in case of accident."

F. B. CARVELL,
Chief Commissioner.

OTTAWA, January 29, 1920.

SESSIONAL PAPER No. 20c

GENERAL ORDER NO. 283:

In the matter of Track Scale allowances; also of "Tolerance."

File No. 8799.1

Upon hearing the matter at the sittings of the Board held in Ottawa, March 18, 1913, Vancouver, May 19, 1913, Calgary, May 26, 1913, Edmonton, May 27, 1913, Regina, May 29, 1913, Winnipeg, May 30, 1913, and Fort William, June 4, 1913, the Canadian Pacific, Grand Trunk, Grand Trunk Pacific, Canadian Northern, Canadian Northern Quebec, and Ottawa and New York Railway Companies, the Canadian Freight Association, the Canadian Manufacturers' Association, the Canadian Lumbermen's Association, the Boards of Trade of Montreal, Toronto, Edmonton, Winnipeg and Regina, the British Columbia Lumber and Shingle Manufacturers, and the Massey-Harris Company, Limited, being represented at the hearings, and what was alleged; and upon reading the further written submissions filed,—

It is ordered: With respect to freight traffic referred to herein, carried between points in Canada, that railway companies subject to the jurisdiction of the Board publish and file tariffs to provide for the following allowances per car from the ascertained gross weights of loaded cars; subject to the condition that the said allowances shall not operate to reduce the net weights of the loadings of the cars below the minimum carload weights provided for in the tariffs applicable thereto:—

1. For temporary or permanent racks on flat or gondola cars loaded with bark, provided the weight of the racks is not included in the stencilled tare of the car, 1,000 pounds.

2. For temporary protectives as follows, namely:

(a) Blockage, dunnage, or temporary racks, in connection with carload shipments of agricultural implements, machinery, stoves, acid in carboys, and vehicles of all descriptions—Actual weight, but not more than 650 pounds; the shipper to certify to the weight of the said protectives on the shipping order and bill of lading.

(b) Temporary racks, stakes, standards, strips, braces, or supports in connection with carload shipments of commodities, other than those specified above, requiring such provision for safe transportation when loaded on flat or gondola cars—Actual weight when ascertainable, but not more than 500 pounds; the shipper to certify to his ascertained weight of the said protectives on the shipping order and bill of lading.

3. For lumber used by shippers in lining box (not refrigerator) or stock cars for shipments of perishable freight—Actual weight, but not more than 800 feet, board measure, at $2\frac{1}{2}$ pounds per foot; the shipper to certify to the measurement of the lumber so used on the shipping order and bill of lading. Also, a further allowance of the actual weight, but not exceeding 500 pounds, of the stove and fuel, if furnished by the shipper.

4. For foreign matter not part of the lading, such as snow, ice, manure, or refuse, in or on cars at the time of weighing—an estimated allowance adequate to the actual conditions in each case.

And it is also ordered: That, irrespective of the aforesaid allowances, the tariffs of the said railway companies include the following definition and directions, namely:—

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For "tolerance," that is to say, variations in weights disclosed in check-weighing or reweighing passed without alteration of the billed weight:—

(a) On ashes, brick, cinders, clay, drain tile (soft), dolomite, ganister, gravel, mill scale, ore, sand, slag, stone (all kinds except "cut"), and other similar bulk freight, loaded on flat or open-top cars—one per cent of the weight of the lading, but not less than 1,000 pounds per car.

(b) On all other freight (including coal and coke) the weight of which is not subject to change from its inherent nature—one per cent of the weight of the lading, but not less than 500 pounds per car.

F. B. CARVELL,
Chief Commissioner.

OTTAWA, February 24, 1920.

GENERAL ORDER No. 284

In the matter of the application of the Canadian Freight Association, on behalf of the railway companies subject to the jurisdiction of the Board, for an Order rescinding the General Order of the Board No. 173, dated October 26, 1916, and authorizing the said railway companies to publish and file charges for the use of heated refrigerator cars on the basis of 1½ cents per car per mile, with a minimum charge of \$2 per car, in addition to the regular freight charges.

File No. 18855.11.

Upon hearing the matter at the sittings of the Board held in Toronto, April 13, 1917; Ottawa, April 17, 1917; Regina, June 21, 1917; Vancouver, November 21, 1919; Calgary, November 27, 1919; Edmonton, November 28, 1919; Saskatoon, November 29, 1919; Regina, December 1, 1919; Winnipeg, December 2, 1919; Fort William, December 3, 1919, and Ottawa, January 7, 1920, in the presence of representatives of the Canadian Freight Association, the Canadian Manufacturers' Association, the Boards of Trade of Toronto, Montreal, Winnipeg, Regina, and Calgary, the Ontario Fruit Growers' Association, the Nova Scotia Fruit Growers' Association, the British Columbia Credit and Traffic Association, the Nova Scotia Shipping Association, the Western Canada Fruit Jobbers' Association, the Ontario Vegetable Growers' Association, the Niagara Peninsula Fruit Growers' Association, the Quebec Department of Agriculture, the Canadian Pacific and Grand Trunk Railway Companies, the Canadian National Railways, and the Michigan Central Railroad Company, and what was alleged; and upon reading the further written submissions filed,—

It is ordered: That the said General Order No. 173, dated October 26, 1916, be, and it is hereby, amended to permit increases in the existing charges for heating refrigerator cars by the carriers, in addition to the freight rates pertaining to the loadings thereof, and also in addition to the charges, if any, for the use of the said cars, as follows:—

(a) Between points west of and including Port Arthur, Ont.; also between points east of and including Westfort, Ont., from one cent per car per mile, subject to a minimum total charge of \$2 per car, to not more than 1½ cents per car per mile, subject to a minimum total charge of not more than \$2 per car.

(b) From points east of Port Arthur to points west of Westfort, and from points west of Westfort to points east of Port Arthur, the maximum charges authorized by the said General Order No. 173, when increased not more than 50 per cent to apply.

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And it is also ordered: That the tariffs to give effect to this Order may be published and filed not less than seven days previously to the date, or dates, on which they are intended to come into force.

OTTAWA, March 8, 1920.

S. J. McLEAN,
Assistant Chief Commissioner.

GENERAL ORDER NO. 285

In the matter of the application of Canadian Manufacturers' Association for an Order directing the extension of the Canadian Car Demurrage Rules, so as to provide for what is known as the Average Demurrage plan.

File No. 3775-3

Upon hearing the matter at the sittings of the Board held in Toronto, April 25, 1911, Vancouver, May 19, 1913, Calgary, May 26, 1913, Edmonton, May 27, 1913, Regina, May 29, 1913, Winnipeg, May 30, 1913, Fort William, June 4, 1913, and Ottawa, June 16 and 17, 1913, in the presence of representatives of the Canadian Manufacturers' Association, the Canadian Retail Coal Dealers' Association, the Canadian Lumbermen's Association, the Canadian Car Service Bureau, the Montreal Lumber Association, the Montreal Grain Exchange, the Boards of Trade of Toronto, Vancouver, Calgary, Edmonton, Regina, Winnipeg, and Montreal, the Canadian National Railways, the Canadian Pacific, Grand Trunk and Grand Trunk Pacific Railway Companies, the Michigan Central and Père Marquette Railroad Companies, Winnipeg shippers, the Great West Saddlery Company, Limited, the Winnipeg Sandstone Brick Company, Limited, D. Ackland & Sons, the Manitoba Bridge and Iron Works, the Dominion Bridge Company, the Beaver Soap Company, the Vulcan Iron Works, the J. D. Clark Billiard Company, the Winnipeg Cabinet Factory, Parker Whyte, Limited, the Alaska Bedding Company, the Canadian H. W. Johns-Manville Company, Limited, the Manitoba Linseed Oil Mills, the Martin-Senour Company, Limited, the Canada Cement Company, the Alsip Brick Tile and Lumber Company, the Canadian Carbon Company, the Winnipeg Steel Granary and Culvert Company, Limited, the Gurney Northwest Foundry Company, the Winnipeg Paint and Glass Company, the Manitoba Gypsum Company, the Perfection Concrete Company, George Gale & Sons, and the Anthes Foundry, Limited, and what was alleged; and upon reading the further written submissions filed,—

It is ordered: That the application be, and it is hereby, refused.

S. J. McLEAN,

OTTAWA, March 2, 1920.

Assistant Chief Commissioner.

GENERAL ORDER NO. 286

In the matter of Section 375, subsection 2, of the Railway Act, 1919, and the tariffs of telephone companies; and the Order of the Board No. 21167, dated January 5, 1914, as amended by Order No. 26969, dated February 4, 1918, authorizing the Bell Telephone Company of Canada to charge the telephone tolls published in its tariffs filed with the Board.

Case No. 955

It is ordered as follows:

1. That the said Order No. 21167, dated January 5, 1914, as amended by Order No. 26969, dated February 4, 1918, be, and it is hereby, rescinded.

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2. That, subject to such order or orders as the Board may from time to time issue, all telephone companies within the legislative authority of the Parliament of Canada be, and they are hereby, authorized to charge the telephone tolls published in their respective tariffs filed with the Board.

S. J. McLEAN,

Assistant Chief Commissioner.

OTTAWA, March 4, 1920.

GENERAL ORDER No. 287

In the matter of the General Order of the Board No. 203, dated August 11, 1917, approving the Regulations for the transportation by freight of Dangerous Articles other than Explosives, as amended by General Orders Nos. 206, 207, and 260, dated respectively September 7, October 26, 1917, and March 17, 1919.

And in the matter of the application of the People's Gas Supply Company, Limited, for an Order repealing or amending the second paragraph of Rule 1861 (j) of the Regulations aforesaid.

File No. 1717.1.

Upon hearing the matter at the sittings of the Board held in Ottawa, June 10, 1919, the People's Gas Supply Company, Limited, the Canadian Railway War Board, the Bureau of Explosives, the Compressed Gas Manufacturers' Association, L'Air Liquide Society, and the Commercial Acetylene Supply Company, Inc., being represented at the hearing, and what was alleged,—

It is Ordered: That the said General Order No. 260, dated March 17, 1919, be and it is hereby, amended by striking out the second paragraph (j) of rule 1861, and substituting therefor the following, namely:—

“Cylinders containing acetylene gas must not be shipped unless they were charged by a person, firm, or company having possession of complete information as to the nature of the porous filling, the kind and quantity of solvent in the cylinders, and the meaning of such markings on the cylinders as are prescribed by the Board's regulations and specifications applying to containers for the transportation of acetylene gas.

“That every manufacturer of cylinders for the shipment of acetylene gas in Canada shall file with the inspector of the Bureau of Explosives at Toronto complete information as to the nature of the porous filling, the kind and quantity of solvent in the cylinders, and the meaning of such markings on the cylinders as are prescribed by the Board's regulations, together with the serial numbers of the cylinders using a particular kind of filler; and that, upon application of any manufacturer of acetylene gas to the Bureau of Explosives for information necessary to enable him to comply, in the recharging of the same, with the regulations of the Board, the same shall be furnished.”

S. J. McLEAN,

Assistant Chief Commissioner.

OTTAWA, March 22, 1920.

SESSIONAL PAPER No. 20c

GENERAL ORDER No. 288

In the matter of Section 372 of the Railway Act, 1919, for the carrying of wires and cables along or across the track of railway companies under the jurisdiction of the Board; and the application of the Canadian National Railways for an Order amending the Standard Conditions and Specifications for Wire Crossings, approved by the General Order of the Board No. 231, dated May 6, 1918, as amended by General Order No. 267, dated June 27, 1919.

Case No. 4704.

Upon reading what is filed in support of the application, the Canadian Pacific and Grand Trunk Railway Companies concurring therein,—

It is Ordered: That the said Standard Conditions and Specifications for Wire Crossings, as approved by the General Order of the Board No. 231, dated May 6, 1918, be, and they are hereby, amended by striking out paragraph 4 of part I of the said conditions and specifications, and substituting therefor the following, namely:—

“4. The applicant, before any work is begun, shall give the railway company owning, operating, or using the said railway at least seventy-two hours prior notice thereof in writing; and the said railway company shall be entitled to appoint an inspector, under whose supervision such work shall be done, and whose wages, at a rate not to exceed eleven dollars per day, shall be paid by the applicant; such payment to cover both wages and expenses. When the applicant is a municipality and the work is on a highway under its jurisdiction, the wages of the inspector shall be paid by the railway company.”

2. That the General Order No. 267, dated June 27, 1919, be and it is hereby rescinded.

F. B. CARVELL,
Chief Commissioner.

OTTAWA, March 23, 1920.

GENERAL ORDER No. 289

In the matter of the consideration of the adoption by railway companies subject to the jurisdiction of the Board of rules relative to the inspection of locomotives and tenders.

File No. 21351.

In pursuance of the powers conferred upon the Board by Section 287 of the Railway Act, 1919, and of all other powers possessed by it in that behalf; and upon reading the submissions filed by The Railway Association of Canada and the Canadian Pacific and Grand Trunk Railway Companies, and the report and recommendation of the Chief Operating Officer of the Board,—

It is Ordered: That the railway companies subject to the jurisdiction of the Board adopt and put into force, not later than the first day of June, 1920, the rules relative to the inspection of locomotives and tenders, hereto attached marked “A.”

F. B. CARVELL,
Chief Commissioner.

OTTAWA, March 24, 1920.

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RULES RELATIVE TO THE INSPECTION OF LOCOMOTIVES AND TENDERS

Every locomotive and tender shall be inspected after each trip, or day's work. The employee making the inspection shall report all defects found, in report book. Defects reported which are not repaired before the locomotive is returned to service shall be filed in the office where the inspection is made.

Air brakes.—It must be known before each trip that the brakes on locomotive and tender are in safe and suitable condition for service; that the air compressor or compressors are in condition to provide an ample supply of air for the service in which the locomotive is used; and that all other devices for controlling or regulating the pressure are properly maintained.

Testing main reservoirs.—Every main reservoir, before being put into service, and at least each twelve months thereafter, shall be subjected to hydrostatic pressure not less than 25 per cent above the maximum allowed air pressure. The entire surface of the reservoir shall be hammer-tested each time the locomotive is shopped for general repairs, but not less frequently than once each eighteen months.

DRAW GEAR AND DRAFT GEAR

Draw gear between locomotive and tender.—The draw gear between the locomotive and tender, together with the pins and fastenings, shall be maintained in safe and suitable condition for service. The pins and drawbar shall be removed and carefully examined for defects not less frequently than once each three months. Suitable means for securing the drawbar pins in place shall be provided. Inverted drawbar pins shall be held in place by plate or stirrup.

(b) Two or more safety bars or safety chains of ample strength shall be provided between locomotive and tender (except when double drawbars are used), maintained in safe and suitable condition for service, and inspected at the same time draw gear is inspected.

(c) Safety chains or safety bars shall be of the minimum length consistent with the curvature of the railroad on which the locomotive is operated.

(d) Lost motion between locomotives and tenders not equipped with spring buffer shall be kept to a minimum and shall not exceed one-half inch.

(e) When spring buffers are used between locomotives and tenders, the spring shall be applied with not less than three-fourths inch compression, and shall at all times be under sufficient compression to keep the chafing faces in contact.

Chafing irons.—Chafing irons of such radius as will permit proper curving shall be securely attached to locomotive and tender, and shall be maintained in condition to permit free movement laterally and vertically.

Draft gear.—Draft gear and attachments on locomotives and tenders shall be securely fastened and maintained in safe and suitable condition for service.

Car lights.—Each locomotive used between sunset and sunrise shall have cab lamps, which will provide sufficient illumination for the steam, air, and water gauges, to enable the enginemen to make necessary and accurate readings from their usual and proper positions in the cab. These lights shall be so located and constructed that the light will shine only on those parts requiring illumination. Locomotives used in road service shall have an additional lamp conveniently located to enable the persons operating the locomotive to easily and accurately read train orders and time tables, and so constructed that it may be readily darkened or extinguished.

Lateral motion.—The total lateral motion or play between the hubs of the wheels and the boxes on any pair of wheels shall not exceed the following limits:—

For engine truck wheels (trucks with swing centres)....	1	inch.
For engine truck wheels (trucks with rigid centres)....	1½	"
For trailing truck wheels... ..	1	"
For driving wheels (more than 1 pair) not more than...	¾	"

These limits may be increased on locomotives operating on track where the curvature exceeds 20 degrees, when it can be shown that conditions require additional lateral motion.

Pilots.—Pilots shall be securely attached, properly braced, and maintained in a safe and suitable condition for service. The minimum height from the rail 3 inches and the maximum 6 inches.

SESSIONAL PAPER No. 20c

GENERAL ORDER No. 290

In the matter of Section 345 of the Railway Act, 1919, and the regulations to be prescribed for the issue and recording of free transportation by railway companies subject to the jurisdiction of the Board.

File No. 496.

Upon reading the submissions filed and the report of the Chief Traffic Officer of the Board,—

It is ordered as follows:

1. That the "Regulations to Govern and Issue and Recording of Free Transportation," by railway companies subject to the jurisdiction of the Board, attached hereto marked "A," be, and they are hereby, approved and prescribed for the use of such companies; and that each and every company be required to issue all free transportation, and keep all free transportation records, in conformity therewith.

2. That the said regulations are, and by virtue of this order do become, the lawful rules according to which all free transportation is to be issued and all free transportation records are to be kept.

3. That each and every person directly in charge of the free transportation of any such company be, and he is hereby, required to see to, and he is hereby made responsible for, the correct application of the said regulations in the issue and recording of free transportation; and that it shall be unlawful for any such company, or for any person directly in charge of the free transportation of any such company, to issue any free transportation or to keep any free transportation records except in the manner and form in the said regulations set forth and hereby prescribed, and except as hereinafter authorized.

4. That the foregoing regulations shall, so far as the same are applicable, apply as well to all free transportation issued by express, telegraph, or telephone companies.

F. B. CARVELL,
Chief Commissioner.

OTTAWA, April 12, 1920.

" A "

REGULATIONS TO GOVERN THE ISSUE AND RECORDING OF FREE
TRANSPORTATION

1. Each and every railway company subject to the jurisdiction of the Board shall file with the Board, on or before the 1st day of January of each year (a) a list of the names and titles of officers having authority to issue passes and over whose signatures passes will be issued; and (b) a list of the names and titles of officers having the authority to request passes from other companies. Any change in these lists in the course of the year must be promptly reported.

Names and titles of persons authorized to countersign passes and requests for passes need not be filed with the Board.

2. Requests for passes for or on account of officers or employees of traffic associations, fast freight lines, demurrage and car service bureaus, weighing and inspection bureaus, and other joint agencies maintained by or on behalf of carriers subject to these regulations, for transportation over the lines which are members of such associations, may be made direct on such lines in the same manner as provided for requests for passes for or on account of a carrier's own officers or employees. (See par. 10.) Requests for passes over lines other than member lines must be made in one of the three following methods:

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(a) Requests may be made over the signature of an officer of a member line if such officer's name has been filed with the Board by such member line in compliance with paragraph 1 (b) with the counter signature of an officer or employee of the association.

(b) Requests may be made over the signature of an officer of the association if such officer's name has been filed with the Board by one or more of the member lines in accordance with paragraph 1 (b) as having authority to request passes on account of the association.

(c) Requests may be made over the signature of officers of the association if such officers' names have been filed with the Board in accordance with paragraph 1 (b) by the chief officer of the association, provided such chief officer has been delegated authority to so act by the member lines.

3. Each pass must bear either the autograph or facsimile signature of one of the officers named in the list (a) referred to in paragraph 1.

4. Passes bearing facsimile signatures must be countersigned in ink by an officer or responsible subordinate, who must be designated on the face of the pass.

5. The printing of pass stock must be done only upon the requisition of a designated officer or officers, and the delivery of the entire stock shall be made to such officer by the printer or stationer. All vouchers covering the cost of pass stock shall be approved by the officer or officers designated before they are carried through the accounts for payment.

6. A record of pass stock shall be kept by the officer ordering such stock, for a period not less than three years. On the debit side of the record shall be entered the entire stock received. On the credit side shall be entered all pass stock distributed among other officers or countersigning subordinates, all stock assigned to the officer ordering the stock and issuable by him, and all stock destroyed. (See Form 1.)

Unissued pass stock must be filed in such manner as to be accessible and convenient for examination.

7. Passes shall be consecutively numbered, without duplication or omission, before or immediately on receipt from the printer or stationer. All passes may be numbered in the same series, or separate series may be used for each of the general classes, or for each subdivision with lettered prefixes or affixes.

8. If a separate stock of passes is provided for each year, the numbering must begin with 0 or 1 at the beginning of the year. If the same stock is to be used for two or more years, the numbering may continue from year to year, commencing with 0 or 1 when desired, but not oftener than once in each calendar year.

9. All passes must be filled out in a durable ink, either with pen or typewriter, or by printing, and all the information required on the pass forms appearing herein must be shown.

10. Requests for passes must be made in writing, except as provided in paragraph 12. by the persons to whom or on whose account passes may be issued. or by a superior or ranking officer or employee in case a request is made for or on account of an employee.

FORMS OF REQUEST

11. (a) A request for a pass for or on account of a Company's own officer or employee must state the name and address of the officer or employee, his title or occupation, the relationship (if the pass is to be issued to a member of his family), the territory for which, or the points between which, the pass is requested, and the time limit. (See Form 2.)

(b) A request from another company for a pass for or on account of one of its officers or employees must include, in addition to the information required under (a) above, a statement that the person for whom the pass is requested is not prohibited by law from receiving free transportation. (See Forms 3 and 4.)

(c) A request for a pass for or on account of any person not covered by paragraphs (a) or (b) must set forth clearly, or be accompanied by paper showing, the legality of the issuance of the pass requested.

12. In exceptional cases, written requests for passes may be dispensed with, but in such cases the records of passes issued must show the information that is required on written request, and in addition must state upon whose authority the passes were issued and the reasons for dispensing with written request.

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13. Requests for passes must be filed in the office in which records of annual or term passes, or the stubs or carbon copies of trip passes, are filed, and in such manner as to be accessible and convenient for examination at any time within three years. The number of passes issued must be noted upon the face of the requests.

14. Telegraph passes may be issued in cases of emergency only, and shall be confined to one way passes. The issuance of telegraph passes shall be over the name of one of the officers named in the list referred to in paragraph 1, or that of one of the countersigning officers referred to in paragraph 4, and only within the territory over which such officers have authority to issue annual, term, or trip passes.

Telegraph passes must be issued either on telegraph blanks, in accordance with Form 5, or on a special printed form of telegraph pass, showing the same data as required on Form 5, but similar in form to trip passes.

Copies of telegraph passes and of the telegrams authorizing issuance of printed forms of telegraph passes must be made by the issuing officer and filed with the stubs or carbon copies of trip passes.

If, after a telegraph pass is issued, a trip pass is substituted therefor, the former should be filed with requests for trip passes as the authority for issuing the latter.

Except as provided in the preceding paragraph, used telegraph passes must be filed with used trip passes.

15. All passes must bear the signature of the users, preferably in ink. On the back of each pass must appear a statement that the holder is not prohibited by law from receiving free transportation, and that the pass will be lawfully used. This statement must be shown among other conditions, if any, and must be subscribed to by the holder. This paragraph shall not apply to telegraph passes.

16. A pass issued for a number of persons, without naming each person, such as "John Smith, Section Foreman, and six employees of X. Y. and Z. Railway," "Geo. Jones, wife and two daughters," may be signed only by the person whose name appears on the pass.

17. A pass issued for a number of persons, the names of all appearing on the pass, such as "William Brown and Edgar Moore, Brakemen," or "Chas. Blake, Mrs. Charles Blake, and Miss Mary Blake," must be signed by the users whether the pass is used by one or by more than one of the persons named on the pass.

18. A pass issued to a person without giving the name, such as "Pass one extra messenger of the Canadian Express Company when presented with letter, etc.," need not be signed by the user. The letter or identification form which accompanies the pass must be endorsed by the user and collected and filed with collected trip passes: Provided, however, that when a pass of this kind is to be used for an indeterminate number of trips, the one letter or identification form may be used for a number of trips, and should be collected by the conductor on the last trip and turned in with other collections. In cases of this kind, the conductor's report of passes honoured shall include a report of the pass each time it is used.

19. Employees and others eligible for free transportation may be furnished with regular passenger fare tickets, or may be permitted to purchase tickets and have the amounts paid therefor afterwards refunded. In such cases, the ticket agent's report of the tickets "without value," or the vouchers refunding the amounts paid for the tickets, must be supported by the authority of one of the officers named in list (a) referred to in paragraph 1. Such authority must show the same information as is required to be shown on the requests for passes referred to in paragraph 11.

20. A complete record of free passenger fare tickets issued in lieu of passes must be maintained by the office authorizing the issue of free tickets or the refund of fares paid. This record must show the date, the form, and number of ticket, station from, station to, name of person to whom issued, address, why issued, amount of fare, and name of officer authorizing the issue. (See Form 6.)

21. The following designated persons may, at the option of the companies, be carried without passes when in the actual performance of their duties, namely: train crews, sleeping car, chair car, and dining car employees, express messengers, crews of private cars, newsboys on trains, baggage agents.

22. Pass forms must not be used for the transportation of caretakers of property.

23. Caretakers in actual charge of shipments of live stock, poultry, or fruit, and travelling on trains with such shipments, shall be furnished with no other evidence of their rights to transportation than are contained in shipping contracts or in identification papers to be used in connection with notations on way-bills. If caretakers are permitted, under the provisions of tariffs to travel on passenger trains immediately preceding or following shipments, they must be furnished with a form of caretaker's ticket, which must give full way billing reference, and conform to published tariff provisions.

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24. If a caretaker's return passage is furnished under the terms of the shipping contract, it shall be provided for either by having the shipping contract executed at destination for return, or by having it lifted and a caretaker's return ticket issued, which must conform to published tariff provisions and show (a) the way bill reference, or (b) the initials and numbers of the cars, the shipping point, and the destination named in the contract.

25. All collected caretaker's tickets, shipping contracts, and identification papers, on which caretakers are carried, must be checked against the way bills or way bill records and filed in such manner as to be accessible and convenient for examination at any time within three years.

26. Companies are required to keep a full record of passes issued.

27. The record of annual or term passes issued shall be kept in a book record similar to Form 7, or on cards similar to Form 8.

28. If the book record is adopted, the passes may be entered either in numerical order or in alphabetical order, according to the surnames of the persons to whom the passes are issued. When passes are entered in numerical order, an alphabetical index by name shall be maintained; when entered in alphabetical order, a numerical index with name shall be maintained. If it is desired, an additional record, with the passes entered under departments, companies, etc., may be maintained on Form 7.

29. If the card system of records is adopted, the cards must be made in duplicate, with one set of cards filed in alphabetical order, according to the surnames of the persons to whom the passes are issued. If it is desired, the cards may be made in triplicate and the third card filed under departments, companies, etc.

30. The record of trip passes issued shall be kept on the stubs or carbon copies of trip passes. Full information must be shown on the stub or carbon copy of each trip pass, as provided on Form 9, and this information must conform to the data on the pass and coupon.

31. If a pass is cancelled, returned, or lost, the fact must be stated on the record, with the date of cancellation, return, or loss entered.

32. The records of passes issued must be filed in such manner as to be accessible and convenient for examination at any time within three years.

33. The authority for the issue of requests on other companies for passes shall be restricted to the officers named in list (b) referred to in paragraph 1. Requests must show the name and address of the officer or employee for whom or on whose account the pass is requested, his title or the nature of his employment, the relationship (if the pass is to be issued to a member of his family), the territory for which, or the points between which, the pass is desired, the time limit, and a statement that the person for whom the pass is requested is not prohibited by law from receiving free transportation. (See Forms 3 and 4.)

34. Requests must bear the autograph or the facsimile signature of one of the officers named in list (b) referred to in paragraph 1. In case the facsimile is used, the request must be countersigned in ink by an officer or responsible subordinate, who must be designated thereon.

35. Requests must be made in duplicate, or legible impression copies must be taken of them, and the duplicate or impression copies must be retained by the requesting carrier and filed in such manner as to be accessible and convenient for examination. When a pass is received, its number must be noted on the duplicate or impression copy of the request.

JOINT PASSES

36. A pass issued jointly by two or more carriers must bear the autograph or the facsimile signature of an officer (named in list (a) referred to in paragraph 1) of each of the carriers interested. If all the signatures of such officers are facsimile signatures, the pass must be countersigned in ink by an officer or responsible subordinate of one of the carriers interested, who must be designated on the face of the pass.

37. If arrangements are made to accept or honour passes issued by other carriers over certain portions of a carrier's lines, such arrangements must be embodied in the pass rules and regulations referred to in paragraph 42, or a statement of the arrangement must be filed with the Board.

FILING PASSES

38. All passes collected and passes spoiled or returned must be filed in such manner as to be accessible and convenient for examination at any time within three years.

39. Conductors or ticket collectors must make a report of passes honoured for each run. This report must cover all passes honoured and not lifted, except passes honoured in suburban territory. It is optional with carriers whether or not this report shall cover trip passes on runs on which they are lifted and turned in, or any passes honoured in suburban territory. (See Form 10.)

40. If trip passes collected are not included in conductors' reports of passes honoured, space must be provided on the backs of passes and coupons on which must be shown the number of the train upon which the passes are honoured, the date, and the name of the conductor or ticket collector.

41. The use of identification slips, and the form of such slips if used, are left to the option of the carriers.

42. Carriers are required to file with the Board copies of their general rules and instructions in effect January 1, 1920, governing the issue and use of passes, and to forward promptly copies of any subsequent rules and instructions.

43. Passes must be issued and records kept substantially in accordance with the forms hereinafter prescribed. The forms indicate the nature of the information required and the order in which it shall appear, but the dimensions of the various forms are not prescribed.

Carriers may include any additional matter in the pass forms or record forms, but such additional matter must not be permitted to impair the information required in the prescribed forms, or to affect the order in which it is given. The matter printed in italic type in the prescribed forms is not intended to be a part of the forms, but merely to indicate the nature of the information required.

44. Carriers may subdivide any of the forms or may adopt additional record forms, but must file with the Board a list of such subdivisions or additional record forms, showing their use and their purpose.

RECORD OF PASS STOCK RECEIVED AND DISTRIBUTED

[illegible]

A separate sheet or page must be used for each of the different forms and series of passes, which must be recorded and distributed in numerical order.

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FORM No. 2

REQUEST FROM OFFICERS AND EMPLOYEES FOR PASSES

.....Company,
Office of.....
.....19..

.....
.....
.....

Dear Sir,—Please furnish pass for.....
.....
Address
Account of
Form
Toand return.
Limited to

.....(Name.)
.....(Title or Occupation.)

Approved.
.....

Pass No.issued.

This form must be used by officers and employees in making requests for passes for themselves or on their account, or in making requests for passes for or on account of subordinates.

This form may be extended so as to cover two or more passes.

FORM No. 3

REQUEST OF ANOTHER CARRIER FOR TRIP PASSES

.....Company,
Office of.....
.....19..

.....
.....
.....

DEAR SIR,—Will you kindly favour me, on account of this company, with trip pass.. for the following person....., who not prohibited by law from receiving free transportation:

Name
Address
Account of
Fromto and return.
Limited to

This request shall be valid only when countersigned by myself or by

.....
(Facsimile signature of officer.)
.....
(Title)

Countersigned by:
.....

Pass No.issued.

This form may be extended so as to cover two or more passes.

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FORM No. 4

REQUEST ON ANOTHER CARRIER FOR ANNUAL OR TERM PASSES

.....Company,
Office of.....
.....19..

.....
.....
.....

DEAR SIR,—Will you kindly favour me, on account of this company, with
..... pass for
(Annual or term.)

over your line for the following person.....who.....not pro-
hibited by law from receiving free transportation:

Name	Title or occupation	Address	Territory	Number of pass issued

This request shall be valid only when countersigned by myself or by.....
.....

.....
(Facsimile signature of officer.)
.....
(Title.)

Countersigned by:
.....

FORM No. 5

TELEGRAPH PASS

.....
.....

This telegram, when written in ink and countersigned by you, will pass.....
.....from to
account if used within days.

.....
(Signature.)

The above form must be used for telegraph passes written on telegraph blanks.
If desired, carriers may provide a special printed form to be used for passes sent by
telegraph.

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FORM No. 6

RECORD OF FREE PASSENGER FARE TICKETS ISSUED

Date issued	To whom issued			From	To	Issued by	Remarks
	Name	Address	Issued account of				

In column headed "Issued account of" must be shown the same information as is required in similar column in the record of annual or term passes issued (Form 7.)

FORM No. 7

RECORD OF ANNUAL AND TERM PASSES ISSUED—BOOK RECORD

(Form.....)

Date issued	No.	To whom issued			Territory	Date of expiration	Request of	Remarks
		Name	Address	Issued account of				

In the column headed "Issued account" information must be shown in accordance with the following:

If issued to an officer or employee—the title or occupation of person to whom pass is issued.

If issued to a member of the family of an officer or employee—the name of such officer or employee, his title or occupation, and the relationship of the person to whom pass is issued; for example: "Wife of John Smith, Brakeman".

If issued to an officer or employee of another carrier—the title or occupation of the person to whom the pass is issued and the name of the carrier; for example: "Machinist, C.P.R."

If issued to a member of the family of an officer or employee of another carrier—the name of such officer or employee, his title or occupation, the relationship of the person to whom the pass is issued, and the name of the carrier; for example: "Wife of George Brown, Clerk, Accounting Department, C.P.R."

If issued to persons other than common-carrier officers or employees or members of their families, there must be shown in this space the reason for the issuance of the pass.

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FORM NO. 8

RECORD OF ANNUAL AND TERM PASSES ISSUED—CARD RECORD

Name	Form	No.....
Address		
Issued account of		
Territory		
Date of expiration		
Request of		
Date issued		
Remarks		

In the space provided for "Issued account of" must be shown the same information as is required in the book record of annual and term passes issued.

FORM No. 9

TRIP PASS
(Face)

(Name of carrier) No..... 1 TRIP PASS STUB	(Name of carrier) No..... TRIP PASS	(Name of carrier) No. TRIP PASS
..... 19.....	Pass.....	(Subject to conditions on back)
Pass.....	Account.....	..... 19
Account .. 2	.....	Pass
.....	From.....	Account..... 2
From.....	To.....	.....
To.....	Void if detached	From.....to.....
And return	Issued by.....	Good for one trip only until.....19..
Address.....		Valid when countersigned by.....
Expires.....		.....
Requested by.....		.....
Issued by.....		(Facsimile signature)
		(Official title)
		Countersigned by
	

(BACK)

	CONDITIONS

	(Signature)

Trip passes may be provided with a second sheet for carbon copies in lieu of the pass stub. In such cases the carbon copies must be numbered to correspond with the passes, and must show the full information that appears on the passes and coupons.

In the space provided for "Account" there must be shown the same information as is required on annual or term passes. (See form 7.)

Trip passes may, if preferred, be limited by a system of dates along the margin, the limits to be indicated by punching or by tearing off dates later than that on which the pass expires.

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FORM No. 10

CONDUCTOR'S REPORT OF PASSES HONoured

(Name of carrier.)

Date.....

Train No.

Train run from.....to.....

(Conductor or other employee.)

Punch

Form or kind of pass	Pass No.	In favor of	Honored on this Train		No. persons	Remarks, Stop-offs, personal recognitions, etc.
			From	To		

GENERAL ORDER No. 291

In the matter of Section 372 of the Railway Act, 1919, for the carrying of wires and cables along or across the tracks of railway companies under the jurisdiction of the Board; and the application of the Canadian National Railways for an Order amending the Standard Conditions and Specifications for Wire Crossings, approved by the General Order of the Board No. 231, dated May 6, 1918, as amended by General Order No. 267, dated June 27, 1919.

Case No. 4704:

Upon reading what is filed in support of the application, the Canadian Pacific and Grand Trunk Railway Companies concurring therein,—

It is Ordered: That the said Standard Conditions and Specifications for Wire Crossings, as approved by the General Order of the Board No. 231, dated May 6, 1918, be, and they are hereby, amended—

(1) By striking out paragraph 4 of part I of the said conditions and specifications and substituting therefor the following, namely:—

“4. The applicant, before any work is begun, shall give the railway company owning, operating, or using the said railway at least seventy-two hours prior notice thereof in writing, and the said railway company shall be entitled to appoint an inspector, under whose supervision such work shall be done, and whose wages, at a rate not to exceed eleven dollars per day, shall be paid by the applicant; such payment to cover both wages and expenses. When the applicant is a municipality and the work is on a highway under its jurisdiction, the wages of the inspector shall be paid by the railway company.”

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(2) By striking out paragraph 4 of part 2 of the said conditions and specifications and substituting therefor the following, namely:—

“4. Before any work of laying, removing, or repairing any pipe, conduit, wire, or cable is begun, the Applicant shall give to the railway company at least seventy-two hours prior notice thereof in writing, accompanied by a plan and profile of the part of the railway to be affected, showing the proposed location of such pipe, wire or cable, conduit, and works contemplated in connection therewith; and the said railway company shall be entitled to appoint an inspector to see that the applicant, in performing said work, complies in all respects with the terms and conditions of this Order, and whose wages, at a rate not exceeding eleven dollars per day, shall be paid by the applicant, such payment to cover both wages and expenses. When the applicant is a municipality and the crossing is on a highway under its jurisdiction, the wages of the inspector shall be paid by the railway company.”

And it is further Ordered: That General Order No. 267, dated June 27, 1919, and General Order No. 288, dated March 23, 1920, made herein, be, and they are hereby, rescinded.

OTTAWA, April 7, 1920.

S. J. McLEAN,
Assistant Chief Commissioner.

GENERAL ORDER No. 292

In the matter of the application of various railway companies, hereinafter called the “Applicant Companies,” under Sections 330, 333 and 334 of the Railway Act, 1919, for approval of increased Standard Tariffs of maximum Sleeping and Parlour Car Tolls.

Case No. 4569; File Nos. 548.16, 1026.2, and 9451.12 to 9451.20, inclusive.

Whereas, for the approval of the Board, the applicant companies have filed from April 1 to April 20, 1920, Standard Tariffs of Increased Maximum Sleeping and Parlour Car Tolls, and have given publicity thereto through the medium of the press, and no objections thereto having been received by the Board; and an increase in the existing tolls appearing to the Board to be justified by existing transportation conditions,—

It is Ordered: That the following tariffs of the Applicant Companies be, and they are hereby, approved, and may be put into force after publication thereof, together with a reference to this general order, in two consecutive weekly issues of the *Canada Gazette*, namely:—

Canadian National Railways—C.R.C. No. W-S1 and E-S1.

Canadian Pacific Railway—C.R.C. No. S9.

Dominion Atlantic Railway—C.R.C. No. S5.

Esquimalt & Nanaimo Railway—C.R.C. No. S6.

Grand Trunk Railway—C.R.C. No. S7.

Grand Trunk Pacific Railway—C.R.C. No. S6.

Kettle Valley Railway—C.R.C. No. S4.

Maine Central Railroad—C.R.C. No. S4.

Michigan Central Railroad—C.R.C. No. S4.

Napierville Junction Railway—C.R.C. No. S2.

New York Central Railroad—C.R.C. No. S4.

Toronto, Hamilton and Buffalo Railway—C.R.C. No. S5.

OTTAWA, April 22, 1920.

F. B. CARVELL,
Chief Commissioner.

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GENERAL ORDER No. 292-A

In the matter of the application of the Quebec Central Railway Company for the approval of increase in its Standard Tariff of Maximum Sleeping and Parlour Car Tolls, and of the General Order of the Board No. 292, dated April 22, 1920, approving increased Standard Tariffs of Maximum Sleeping and Parlour Car Tolls of various railway companies.

File No. 9451-21.

The tariff of the Quebec Central Railway Company showing increases in its maximum sleeping and parlour car tolls on the same basis as those approved under the said General Order No. 292 having been filed for the approval of the Board,—

It is Ordered: That the said General Order No. 292, dated April 22, 1920, be, and it is hereby amended by adding thereto, at the end of the order, the words, "Quebec Central Railway, C.R.C. No. S3."

S. J. McLEAN,
Assistant Chief Commissioner.

OTTAWA, April 27, 1920.

GENERAL ORDER NO. 292-B

In the matter of the application of the Boston and Maine Railroad Company, hereinafter called the "Applicant Company," for approval of increases in its Standard Tariff of Maximum Sleeping and Parlour Car Tolls; and of the General Order of the Board No. 292, dated April 22, 1920, approving increased Standard Tariffs of Maximum Sleeping and Parlour Car Tolls of various railway companies.

File No. 9451-22

The tariff of the applicant company showing increases in its maximum sleeping and parlour car tolls on the same basis as those approved under the said General Order No. 292 having been filed for the approval of the Board—

It is ordered: That the said General Order No. 292, dated April 22, 1920, as amended by General Order No. 292 A, dated April 27, 1920, be, and it is hereby, further amended by adding thereto, at the end of the Order, the words, "Boston and Maine Railroad, C.R.C. No. S-4."

S. J. McLEAN,
Assistant Chief Commissioner.

OTTAWA, May 5, 1920.

GENERAL ORDER No. 292-C

In the matter of the application of the Edmonton, Dunvegan and British Columbia Railway Company, hereinafter called the "Applicant Company," for approval of increases in its Standard Tariff of Maximum Sleeping and Parlour Car Tolls; and of the General Order of the Board No. 292, dated April 22, 1920, approving increased Standard Tariffs of Maximum Sleeping and Parlour Car Tolls of various railway companies.

File No. 18903-95

The tariff of the applicant company showing increases in its maximum sleeping and parlour car tolls on the same basis as those approved under the said General Order No. 292 having been filed for the approval of the Board,—

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It is ordered: That the said General Order No. 292, dated April 22, 1920, as amended by General Orders Nos. 292 A and 292 B, dated April 27, 1920, and May 5, 1920, respectively, be further amended by adding thereto, at the end of the order, the words, "Edmonton, Dunvegan and British Columbia Railway, C.R.C. No. S-3."

S. J. McLEAN,
Assistant Chief Commissioner.

OTTAWA, May 10, 1920.

GENERAL ORDER No. 292-D

In the matter of the application of the Wabash Railway Company, hereinafter called the "Applicant Company," for approval of increases in its Standard Tariff of Maximum Sleeping and Parlour Car Tolls; and of the General Order of the Board No. 292 dated April 22, 1920, approving increases Standard Tariffs of Maximum Sleeping and Parlour Car Tolls of various railway companies.

File No. 9451.23

The tariff of the applicant company showing increases in its maximum sleeping and parlour car tolls on the same basis as those approved under the said General Order No. 292 having been filed for the approval of the Board,—

It is ordered: That the said General Order No. 292, dated April 22, 1920, as amended by General Orders Nos. 292 A, 292-B, and 292-C, dated respectively April 27, 1920, May 5, 1920 and May 10, 1920, be further amended by adding thereto, at the end of the order, the words, "Wabash Railway, C.R.C. No. S-5."

S. J. McLEAN,
Assistant Chief Commissioner.

OTTAWA, May 11, 1920.

GENERAL ORDER No. 293

In the matter of the application of the Brotherhood of Railroad Trainmen for an Order requiring railway companies to provide suitable seating accommodation in locomotive cabs for front end brakemen on freight trains who are required to ride the engine.

File No. 25279

Upon reading what is filed in support of the application and on behalf of the Railway Association of Canada; and upon the report and recommendation of the Mechanical Expert of the Board, concurred in by its Chief Operating Officer,—

It is ordered as follows:

1. That all locomotives of railway companies subject to the jurisdiction of the Board be equipped with a seat for the brakemen.
2. That the seat provided be of a comfortable design, and where practicable equipped with back and window arm rest.
3. That such seating accommodation be provided by the 1st day of May, 1921.

S. J. McLEAN,
Assistant Chief Commissioner.

OTTAWA, April 26, 1920.

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GENERAL ORDER NO. 294

In the matter of the complaints of D. Campbell, Winnipeg; the United Grain Growers, Limited, Calgary; J. B. Stringer and Company, Chatham; and Elliott and Company, Ridgetown, against the allowances provided by the General Order of the Board No. 50, dated December 10, 1909, as amended by General Order No. 184, dated March 22, 1917, to shippers who are compelled to furnish temporary doors to cars loaded with grain.

File No. 4106:

Upon hearing the complaints at the sittings of the Board held in Winnipeg, November 15, 1919, and in Ottawa, December 18, 1919, in the presence of D. Campbell, counsel for and representatives of the Canadian Pacific, Grand Trunk, and Grand Trunk Pacific Railway Companies, the Canadian National Railways, the Michigan Central Railroad Company, and the Montreal Board of Trade, and what was alleged; and upon reading the submissions filed, and the report and recommendation of the Chief Traffic Officer of the Board,—

It is ordered as follows:

1. That the said General Order No. 50, as amended by General Order No. 184, requiring that where shippers upon all or any railways subject to the jurisdiction of the Parliament of Canada are compelled to furnish car doors to enable cars to be used for traffic, allowance therefor to such shippers be made upon the following basis:—

(a) At and west of Port Arthur, lower doors, each.. . . .	\$1.50
upper doors, each.. . . .	.75
(b) East of Port Arthur, lower doors, each.. . . .	.50
upper doors, each.. . . .	.50

be and it is hereby, amended to provide that the said allowance for doors so furnished to enable cars to be used for grain, be increased as follows, namely:—

(a) At and west of Port Arthur—	
for doorways 5 feet wide: lower doors.. . . .	\$2.25 each
upper doors.. . . .	.75 “
for doorways 6 feet wide: lower doors.. . . .	2.60 “
upper doors.. . . .	.90 “
(b) East of Port Arthur—	
for doorways, 5 feet wide: lower doors.. . . .	1.25 “
upper doors.. . . .	.75 “
for doorways 6 feet wide: lower doors.. . . .	1.35 “
upper doors.. . . .	.90 “

F. B. CARVELL,
Chief Commissioner.

OTTAWA, April 30, 1920.

GENERAL ORDER No. 295

In the matter of the complaints of the Montreal Board of Trade, the Canadian Manufacturers' Association, and the Toronto Board of Trade et al, against the regulation of the railway companies, effective March 1, 1920, directing their agents not to accept prepayment of charges from shippers on freight traffic from Canada to the United States, except on traffic on which the Freight Classification or Tariff requires prepayment.

File No. 29674.2.

Upon hearing the complaints at the sittings of the Board held in Toronto, March 6, 1920, and Ottawa, March 16 and 17, 1920, the complainants, the Montreal Corn Exchange, certain manufacturers in the province of Quebec, the Riordon Pulp and Paper Company, the Canadian Lumbermen's Association, the apple and potato

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shippers of Nova Scotia, the Border Chamber of Commerce, the Ford Motor Company, certain pulpwood industries, the J. B. Belanger Mining Company, the Canadian Carbide Company, F. E. Smith, Limited, the Canadian Traffic Agency, Wm. Davies Company, Limited, the Harris Abattoir Company, Limited, the Canadian Pacific and Grand Trunk Railway Companies, the Canadian National Railways, and the Michigan Central Railroad Company being represented at the hearing, and what was alleged; and upon reading the submissions filed,—

It is ordered: That, for want of jurisdiction over the subject matter thereof, the said complaints be, and they are hereby, dismissed.

F. B. CARVELL,
Chief Commissioner.

OTTAWA, May 5, 1920.

GENERAL ORDER No. 296

In the matter of the application of the Express Traffic Association of Canada, on behalf of the express companies subject to the jurisdiction of the Board, for approval of Regulations for the Transportation by Express of Acids, Inflammables, Oxidizing Substances, etc. under Sections 349 and 350 of the Railway Act, 1919, on file with the Board under File No. 1717.12.

Upon hearing the application at the sittings of the Board held in Ottawa, February 17, 1920, in the presence of Counsel for and representatives of the express companies, the Grand Trunk and Canadian Pacific Railway Companies, the Canadian National Railways, the Explosives Division of the Department of Mines, and the Bureau of Explosives, and what was alleged; and upon reading the submissions filed,—

It is ordered: That the proposed Regulations for the Transportation by Express of Acids, Inflammables, Oxidizing Substances, etc., C.R.C. No. E.T. 694, to be observed by express companies subject to the jurisdiction of the Board, on file with the Board under File No. 1717.12, marked "A," and certified by the Secretary of the Board, be, and they are hereby approved, subject to the following changes and additions, namely:—

- (1) The opening sentence of paragraph 4 to be changed to read as follows:—

"The following articles must not be accepted for shipment by express, except properly packed and certified samples for laboratory examination as provided for in paragraph 5 (a)."

- (2) To the list of Acceptable Articles, paragraph 5, the following to be added:—

"(a). Samples of explosives intended for laboratory examination only, and not exceeding a net weight of one-half pound for each sample, and not exceeding ten such samples in any one train, when packed, marked, labelled, described and certified in accordance with paragraph 16" (or as it may be re-numbered).

- (3). The following to be inserted as the first paragraph under "Definitions":—

"The only samples of explosives that can lawfully be shipped by express are those intended for examination in laboratory and not intended for use or demonstration."

- (4) The following is to be inserted as the first paragraph in the Rules for Packing and Marking:—

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LABORATORY SAMPLES

Packing.—(a) Samples of explosives for laboratory examination must be placed in well-secured metal cans or glass bottles, or in strong waterproof paper or cardboard packages; each sample must not consist of more than one-half pound of explosive, and the interior package must be placed in sawdust or similar cushioning material at least 2 inches thick, in a strong and tight wooden box, with ends not less than 1 inch thick, and top, bottom, and sides not less than one-half inch thick when a nailed box is used; or with ends, top, bottom, and sides not less than one-half inch thick of lock-cornered construction.

(b) Whenever these samples for laboratory examination are contained in a metal envelope or receptacle, this receptacle must be properly cushioned with sawdust or similar cushioning material in a strong wooden box, and this interior box must be placed in a tight outside wooden box with at least 2 inches of cushioning material separating the boxes,

Weight.—Not more than 10 half-pound samples of explosives for laboratory examination may be placed in one outside box or transported in any one train.

The net weight of the explosive contents must be plainly marked by the shipper on the outside of each box offered for forwarding.

Marking.—Each outside package containing such samples must have securely and conspicuously attached to it a square red certificate label measuring 4 inches on each side, and bearing in black letters the following:—

EXPLOSIVE

SAMPLE FOR LABORATORY EXAMINATION

*Handle Carefully**Keep Fire Away*

This is to certify that the articles covered by this label are properly described by name and are packed and marked and are in proper condition for transportation, according to the regulations prescribed by the Board of Railway Commissioners for Canada.

.....
(Shipper's Name)

.....
(Inspector, Bureau of Explosives)

or

(Inspector, Explosives Division,
Department of Mines.)

Certification.—The label as above must be signed in ink by the shipper, and by either of the inspectors named. If signed by the Inspector, Bureau of Explosives, he must erase the words "Inspector, Explosives Division, Department of Mines," and "vice versa." Unless the label bears both signatures the articles tendered for transportation must be refused.

F. B. CARVELL,

Chief Commissioner.

OTTAWA, May 15, 1920.

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GENERAL ORDER No. 297

In the matter of the application of the Great North Western Telegraph Company, the Canadian Pacific Railway Company, the Grand Trunk Pacific Telegraph Company, and the Western Union Telegraph Company, on behalf of all telegraph companies operating in Canada, hereinafter called the "Applicant Companies," for authority to increase their tariffs of tolls by about 25 per cent, notwithstanding the provisions of any legislation heretofore passed or of any rate-limiting agreement heretofore made.

File No. 10041.88.

Upon hearing the application at the sittings of the Board held in Ottawa, November 11 and 12, 1919, Winnipeg November 15, 1919, Vancouver, November 21, 1919, Victoria, November 24, 1919, Calgary, November 27, 1919, Edmonton, November 28, 1919, Saskatoon, November 29, 1919, Regina, December 1, 1919, Winnipeg, December 2, 1919, Fort William, December 3, 1919, Halifax, December 15, 1919, St. John, December 16, 1919, and Ottawa, January 27, 1920, in the presence of representatives of the Applicant Companies, the Boards of Trade of Toronto, Winnipeg, Calgary, Edmonton, Saskatoon, Regina, Halifax, and St. John, the Cities of Toronto, Hamilton, Regina, and St. John, the Province of Prince Edward Island, the Union of Canadian Municipalities, the Winnipeg Grain Exchange, the Fort William Grain Exchange, the Canadian Manufacturers' Association, the Canadian Credit Men's Trust Association, the Northwest Grain Dealers' Association, the Retail Merchants' Association of Manitoba, and certain Saskatoon local interests, and what was alleged,—

It is ordered: That the applicant companies be, and they are hereby permitted to file with the Board, for its consideration, tentative schedules in accordance with the direction contained in the judgment of the Assistant Chief Commissioner, dated May 6, 1920, attached hereto marked "A," and which, for the purpose, as well as the judgment of the Chief Commissioner, dated March 23, 1920, attached hereto marked "B," are hereby made a part of this order.

S. J. McLEAN,

Assistant Chief Commissioner.

OTTAWA, May 21, 1920.

GENERAL ORDER No. 298

In the matter of the consideration of a special form of Contract for the Transportation of Live Stock, to be used by the railway companies subject to the jurisdiction of the Board.

File No. 28233.

Upon hearing the matter at the sittings of the Board held in Ottawa, February 10, 1920, the Canadian Manufacturers' Association, the Western Live Stock Shippers' Association, the Winnipeg Live Stock Exchange, the Calgary Live Stock Exchange, the Cattlemen's Protective Association of Western Canada, the Express Traffic Association, the Toronto Humane Society, the Western Canada Live Stock Union, the Canadian Council of Agriculture, the United Farmers of Ontario, the United Farmers' Co-operative Company, the Eastern Canada Live Stock Union, the Brotherhood of Locomotive Engineers, the Brotherhood of Locomotive Firemen, Swifts Canadian Company, the Grand Trunk and Canadian Pacific Railway Companies, the Canadian National Railways, and the Michigan Central Railroad Company being represented at the hearing, and what was alleged,—

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It is Ordered as follows:—

- 1. That the forms of Live Stock Contract and the Special Contract with Attendants in Charge of Stock, attached hereto marked Schedule “A” and Schedule “B” respectively, be, and they are hereby, approved.
- 2. That the form of the Special Contract with Attendants in Charge of Stock (Schedule “B”) be printed on the back of the Live Stock Contract form (Schedule “A”).
- 3. That on and after the 1st day of July, 1920, the forms herein approved shall be the only contracts for the carriage of live stock to be used by all the railway companies subject to the legislative authority of the Parliament of Canada.

F. B. CARVELL,
Chief Commissioner.

OTTAWA, June 2, 1920.

SCHEDULE A

FORM of Live Stock Bill of Lading, approved by the Board of Railway Commissioners for Canada by Order No. _____ on theday of.....1920.
Shipper's No.....
Agent's No.....
.....Railway Company

LIVE STOCK

SPECIAL CONTRACT, ORIGINAL, NOT NEGOTIABLE

Cars	Station	192...
Initials Nos.	.....	.....
.....	RECEIVED, subject to the classification and tariffs in effect on the	.....
.....	date of issue of this original Live Stock Bill of Lading (except when	.....
.....	inconsistent herewith).	.....
.....	at.....on.....	192....
.....	from.....	.....
.....	the live stock of the kind and number, and consigned and destined	.....
.....	as indicated below, which the said Company agrees to carry to its	.....
.....	usual place of delivery at said destination, if on its road, otherwise to	.....
.....	deliver to another carrier on the route to said destination. It is	.....
.....	mutually agreed as to each carrier of all or any of said live stock,	.....
.....	over all or any portion of said route to destination, and as to each	.....
.....	party at any time interested in all or any of said live stock, that	.....
.....	every service to be performed hereunder shall be subject to all the	.....
.....	conditions, whether printed or written, herein contained, and which	.....
.....	are agreed to by the shipper and accepted for himself and his	.....
.....	assigns.	.....
If charges are to be prepaid, write or stamp here "To be prepaid."		
Received \$.....		
To apply in prepayment of the charges on the property described.		
.....	Consignee and destination.	Number and description.
.....		Shipper's load and count.
.....		Weight subject to correction.
Agent or Cashier per.....	.....	.....
The signature here acknowledges only the amount paid.
.....
Charges advanced \$.....
.....
.....
.....

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SECTION 1

The shipper agrees to pay, if required, before delivery, all lawful and proper charges as well as freight thereon to the carrier at the rate of.....per one hundred pounds, which is the lower published tariff rate, and is based on the express condition that the carrier shall in no case be liable for loss of or damage or injury to said live stock, in excess of the following agreed valuation, or a proportionate sum in any one case, upon which valuation the rate charged for the transportation of the said live stock is based, and beyond which valuation neither the carrier nor any connecting carrier shall be liable in any event, whether the loss, injury or damage occurs through the negligence of the carrier or any connecting carrier, or their or either of their employees, or otherwise, viz,—

Horses or mules.....	Not exceeding \$200 each
Colts, under one year of age.....	Not exceeding \$100 each
Cattle (except calves).....	Not exceeding \$150 each
Hogs	Not exceeding \$40 each
Other domestic animals (including calves 6 months old and younger)	Not exceeding \$ 20 each

If, upon inspection, it is ascertained that the live stock shipped is not as described in this Live Stock Bill of Lading, the freight charges must be paid on the live stock actually shipped, with any additional charges lawfully payable thereon.

SECTION 2

No carrier is bound to transport said live stock by any particular train, or in time for any particular market, or otherwise than with reasonable dispatch, unless by specific agreement endorsed herein. Every carrier, in case of physical necessity, shall have the right to forward said live stock by any railway or route between the point of shipment and the point of destination.

SECTION 3

By this contract the carrier agrees to transport only over its own line, and acts only as agent with respect to the portion of the route beyond its own line, except as otherwise provided by law; no carrier shall be liable for damage or injury not occurring on its portion of the through route, nor after the stock has been delivered to the next carrier, except as such liability is or may be imposed by law. Unless a different agreement is made with connecting carriers, in respect to transportation on their respective lines, the terms and conditions hereof shall apply to the transportation by each carrier on any portion of the route to destination.

SECTION 4

(1) The shipper agrees to load, unload, or re-load said live stock at his own expense and risk; feed, water and attend same at his own expense and risk while in transit, except as provided in subsection (5) of this section. In case any of the employees of the carrier load, unload, reload, feed, water or otherwise care for the said live stock, or assist in doing so, they shall be treated as agents of the shipper for that purpose and not as the agents of the carrier; except when such loading, unloading, reloading, feeding or watering is occasioned by some act or default of the carrier.

(2) The carrier agrees to provide proper loading, unloading or reloading facilities and suitable equipment with secure car door fastenings for the transportation of said live stock.

(3) The shipper agrees to properly and securely place all said stock in cars, and the carrier shall, except in cases where the shipper or some person on his behalf accompanies the live stock, keep said doors securely locked or fastened until placed for unloading.

(4) If temporary partitions or decks are put in the cars by the shipper, the carrier shall not be responsible for the sufficiency thereof, or for any loss or damage caused by defects therein.

(5) In the event of delay to said live stock caused by the negligence of the carrier, any consequent unloading, reloading, feeding or watering en route shall be at the carrier's expense and risk; and any expense incurred by the shipper in connection therewith shall be repaid to him by the carrier.

SECTION 5

If the destination of the shipment of said live stock is more than one hundred and fifty (150) miles from the point of shipment, the shipper or some person on his behalf (not an employee of the carrier), must, unless special arrangements are otherwise made in writing, accompany and care for the shipment throughout the journey.

SECTION 6.

The carrier shall not be liable for loss, damage, or delay to any of the live stock herein described caused by the act of God, the King's or public enemies, riots, strikes, defects or inherent vice in the live stock, heat, cold, the authority of law, quarantine, the act or default of the shipper; or causes beyond the carrier's control; nor when caused by changes in weather or delay resulting therefrom, except such delay is due to the carrier's negligence, and the burden of providing freedom from such negligence shall be on the carrier; nor for loss or damage caused by fire occurring after cars have been placed for unloading at point of destination.

Except in case of the negligence of the carrier, (and the burden of proving freedom from such negligence shall be on the carrier), the carrier shall not be liable for loss, damage or delay occurring while the live stock is stopped and held in transit upon the request of the party entitled to make such request.

SECTION 7

Notice of claim on account of loss, damage or delay must be made in writing to the agent of the carrier at the point of shipment, or to the agent of the carrier at the point of delivery; or to a Divisional Superintendent, a District Freight Agent, a Claims Agent, or the General Counsel of the carrier, within thirty (30) days after the delivery of the live stock, or in case of failure, to make delivery, then within thirty (30) days after a reasonable time for delivery has elapsed. Unless notice is so given the carrier shall not be liable.

SECTION 8

No person accompanying the said live stock shall have the right to ride free or at a rate less than full fare in connection with this shipment, unless and until he has signed the special form of contract for such attendants, printed on the back hereof.

The carrier shall not be liable either for loss of life or personal injury to such persons accompanying said live stock, whether such person is being carried free or at a rate less than full fare, unless such loss of life or personal injury is caused by negligence on the part of the carrier, its servants or employees while the said persons are in the caboose or other car provided for their transportation, or while in the car provided for the transportation of the live stock.

SECTION 9

The shipper hereby acknowledges that he has the option of shipping the above described live stock at a higher rate of freight than that payable hereunder, and according to the classifications and tariffs of the carrier, or connecting carriers, the effect of which the shipper understands would be to remove the limitation on the amount of damages for which the carrier or the connecting carriers might be liable as herein provided, and the shipper has voluntarily elected to accept the limitation of liability herein contained to enable him to obtain the reduced freight rate above mentioned.

SECTION 10

Any alteration, addition or erasure in this Live Stock Bill of Lading shall be signed or initialled in the margin by an agent of the carrier issuing the same, and if not so signed or initialled shall be without effect, and this Bill of Lading shall be enforceable according to its original tenor.

.....
Agent.

.....
Shipper.

(This Bill of Lading to be signed by the shipper and the agent of the carrier issuing same.)

SESSIONAL PAPER No. 20c

SCHEDULE B

To be Printed on Back of Live Stock Contract

.....RAILWAY

SPECIAL CONTRACT WITH ATTENDANTS IN CHARGE OF STOCK

Nos. of Cars.

The parties actually in charge of and accompanying the within named stock, are required to read the following agreement, and to sign their names in ink or indelible pencil below the same, in the space provided for that purpose.

In consideration of the fact that I have been furnished with.....

(Free transportation)

(Transportation at less than full fare)

I agree to give the live stock included in this shipment all care and attention needed en route. If anything goes wrong in connection with the shipment, or if it needs any care or attention that requires the help or co-operation of the train crew, I will promptly notify the conductor in charge.

Whereas, travel by freight trains is necessarily more dangerous than upon passenger trains, I hereby release the said carrier and each and every connecting carrier which may grant me such free transportation or transportation at less than full fare, from all liability for any injury or damage suffered by me while violating any of the terms of this agreement with the said carrier, as stated below, all of which I agree to carefully observe and obey.

1. I will remain in a safe place in the caboose or other car provided for my transportation, or in the car provided for the transportation of the stock, at all times while the train is in motion.

2. I will not get on or off said caboose or other car when the same is in motion.

3. I will not get on or off, or walk over the cars while they are moving.

4. I will not walk or stand on any track or station or other premises of the carrier at night without a lighted lantern. I will not walk or stand on any track or attempt to cross any track, while switching is being or is about to be done thereon. I will at all times use every reasonable effort and precaution to protect myself from injury.

5. I will always bear in mind that freight trains do not stop at stations or places especially prepared for passengers to alight; that freight trains frequently stop on bridges and places along the line where it is not safe to alight; I will therefore not attempt to alight from the caboose or other car, when a train may stop for any purpose, without first making a careful examination (with a lighted lantern if at night time), and thus ascertaining that it is safe to alight at that point; and I will not omit taking these precautions because of anything said or done by employees of the carrier.

In further consideration of the fact that I have been furnished by the railway company with.....

(Free transportation)

(Transportation at less than full fare)

I hereby further agree that in case of any accident, casualty or mishap of any kind, howsoever caused, in which I may receive any personal injury while travelling pursuant to such transportation, I will within thirty (30) days after the happening of such injury, and as a condition precedent to the right to maintain any suit or action on account of such injury, notify the Railway Company by mailing or delivering to the General Counsel or the General Solicitor of the Railway Company, written notice of the time, place, circumstances, character and extent of such injury.

I fully understand that no agent or employee of the Railway Company has the right to waive the giving of such notice.

My signature hereto shall be conclusive evidence of my assent to and agreement herewith.

.....
.....
.....

.....
Agent.

.....
.....
.....

Parties in charge of and accompanying stock sign above in ink or indelible pencil.

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GENERAL ORDER No. 299

In the matter of the application of the Great North Western Telegraph Company, the Canadian Pacific Railway Company, the Grand Trunk Pacific Telegraph Company, and the Western Union Telegraph Company, on behalf of all telegraph companies operating in Canada, hereinafter called the "Applicant Companies" for authority to increase their tariffs of tolls by about 25 per cent, notwithstanding the provisions of any legislation heretofore passed or of any rate-limiting agreement heretofore made; and in the matter of the General Order of the Board No. 297, dated May 21, 1920.

File No. 10041.88.

Whereas the said telegraph companies have filed for the consideration of the Board the tentative schedules permitted for that purpose by the General Order of the Board No. 297, dated May 21, 1920, and these having been checked and sealed by the Board's Traffic Department so provided for in section XI (6) of the judgment of the Board, dated May 6, 1920, and certain alterations having been made therein as the result of such checking and scaling,—

It is ordered: That the said schedules so amended be, and they are hereby, approved, to be made effective not earlier than June 14, 1920.

S. J. McLEAN,
Assistant Chief Commissioner.

OTTAWA, June 5, 1920.

GENERAL ORDER No. 300

In the matter of the consideration of a special form of Contract for the transportation of Live Stock, to be used by the Railway Companies, subject to the jurisdiction of the Board; and General Order No. 298, dated June 2, 1920, approving forms of Live Stock Contract and Special Contract with attendants in charge of stock, marked Schedules "A" and "B" respectively;

File No. 28233.

It is ordered: That the date upon which the said forms of Live Stock Contract and the Special Contract with Attendants in Charge of Stock, marked Schedules "A" and "B" respectively, on file with the Board under file No. 28233, shall become effective, be postponed from the 1st day of July, 1920, as provided for in the said General Order No. 298, dated June 2, 1920, to the 15th day of July, 1920.

F. B. CARVELL,
Chief Commissioner.

OTTAWA, June 30, 1920.

GENERAL ORDER No. 301

In the matter of the question of the coal supply in Canada, and the powers conferred upon the Board by Chapter 66 of the Acts of the Parliament of Canada, 1920.

File No. 30331.5.

Upon its appearing to the Board that there is a real or apprehended scarcity of coal, with a view to conserving the supply, and in pursuance of the powers conferred by the said Act, chapter 66, 1920,—

SESSIONAL PAPER No. 20c

The Board doth order: That the exportation of coal from the Atlantic, St. Lawrence river and gulf ports of Canada, except to the United States or to Newfoundland, unless otherwise permitted and in accordance with regulations to be promulgated by the Board, be, and it is hereby, prohibited on and after the first day of August next.

F. B. CARVELL,
Chief Commissioner.

OTTAWA, July 22, 1920.

GENERAL ORDER No. 302

In the matter of the General Order of the Board No. 923, dated April 26, 1920, providing, inter alia, that all locomotives of railway companies subject to the jurisdiction of the Board be equipped with a seat for the brakemen.

File No. 25279

Upon reading what is filed on behalf of the Brotherhood of Locomotive Engineers, the Brotherhood of Locomotive Firemen and Enginemen, and the Railway Association of Canada,—

It is ordered: That paragraph 1 of the said General Order No. 293, dated April 26, 1920, be, and it is hereby, amended by adding thereto the following, namely:—

“Provided, however, that such seat shall not be located in a position that will interfere with the seating space or seats provided for engineer and firemen, or that will obstruct their view from side windows.”

S. J. McLEAN,
Assistant Chief Commissioner.

OTTAWA, July 23, 1920.

GENERAL ORDER No. 303

In the matter of the international railway rates, fares and charges as affected by an Order of the Interstate Commerce Commission dated July 29, 1920, Ex Parte 74.

File No. 30437

Whereas the Interstate Commerce Commission, by its Order dated at Washington, D.C., July 29, 1920, has granted carriers operating in the United States of America certain increases in their rates, fares and charges, as set out in the report of the said commission made part of its order, and the said increases being thereby made applicable also to the proportions of joint through rates to or from Canada accruing within the United States all of which may be made effective upon not less than five days' notice.

And whereas it is deemed by the Board to be expedient in the public interest that the continuity of joint through rates from points in the United States to points in Canada, and “vice versa,” should be preserved.

Therefore, in pursuance of the powers conferred upon the Board by Section 325 of the Railway Act, 1919, and of all other powers possessed by the Board in that behalf,—

It is ordered:

(1) That the proportions of through rates, fares and charges between the United States and Canada, fares in both directions, in effect at the date of this order, accruing within Canada, may, by general or blanket supplement to existing tariffs, be increased

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to the extent that the through rates, fares and charges shall conform to the increases authorized by the said order of the Interstate Commerce Commission; except on coal and coke, increases on which are reserved pending the judgment of the Board in the application of Canadian carriers for increased rates within Canada.

(2) That the through rates and fares from points in Canada to points in the United States, so increased, may be published and filed to become effective on or after August 26, 1920, upon not less than five days' notice.

S. J. McLEAN,
Assistant Chief Commissioner.

OTTAWA, August 13, 1920.

GENERAL ORDER No. 304

In the matter of special tariffs on freight traffic to Montreal, Quebec, St. John, West St. John, and Halifax, for export.

File No. 30437-1

Whereas the rates and charges on freight traffic from United States shipping points to the Atlantic ports of the United States will be increased on August 26, 1920, by authority of an order of the Interstate Commerce Commission dated July 29, 1920; and the Board, by its General Order No. 303, dated August 13, 1920, has authorized increases in the freight rates and charges from Canada to the United States in conformity with the said Order of the Interstate Commerce Commission;

And whereas it is expedient in the public interest that the relationship between the rates and charges from Canadian shipping points on freight traffic to the ports of Montreal, Quebec, St. John, West St. John, and Halifax, for export, and those to the Atlantic ports of the United States be continued;

Therefore, in pursuance of the powers conferred upon the Board by section 325 of the Railway Act, 1919, and of all other powers possessed by the Board in that behalf,—

It is ordered: That the said rates and charges on export freight traffic from Canadian shipping points to Montreal, Quebec, St. John, West St. John, and Halifax may be increased in conformity with the said relationship, to become effective on or after August 26, 1920, on not less than five days' notice.

F. B. CARVELL,
Chief Commissioner.

OTTAWA, August 19, 1920.

GENERAL ORDER No. 305

In the matter of reconsigning rules and penalty charges for detention of equipment in interstate traffic passing through Canada.

File No. 30451.

Whereas the Interstate Commerce Commission has, by its Special Permission No. 50321, dated at Washington, D.C., July 31, 1920, authorized the publication of revised reconsigning rules applicable on all freight in open top cars and coal and coke in all cars, and emergency penalty charges for detention to all open top cars, and cars loaded with lumber, coal or coke, to be made effective upon not less than five days' notice and the Canadian Freight Association, in behalf of Canadian carriers engaged in interstate traffic passing through Canada, has applied to the Board for permission to publish and file tariffs in accordance therewith;—

SESSIONAL PAPER No. 20c

It is ordered: That Canadian carriers of the said interstate traffic be, and they are hereby, permitted to publish and file tariffs in accordance with the said Special Permission No. 50321 of the Interstate Commerce Commission, to apply, at points in Canada, only on traffic "en route" from any point in the United States through Canada to any destination also in the United States.

F. B. CARVELL,
Chief Commissioner.

OTTAWA, August 19, 1920.

GENERAL ORDER No. 306

In the matter of minimum carload weights of grain and grain products moving from the United States into Canada, and rules and regulations applicable thereto.

File Nos. 27612 and 27612.20.

Whereas the Interstate Commerce Commission has, by its Special Permission No. 50450, dated at Washington, D.C., August 21, 1920, as amended, authorized the publication and filing, on one day's notice, special supplements to the tariffs of United States carriers establishing increased minimum weights on grain and grain products, in carloads, and rules and regulations applicable thereto, renewing and extending from September 1, 1920, to December 31, 1920, the said tariffs which would otherwise expire August 31, 1920, in accordance with the Interstate Commerce Commission's Special Permission No. 49801, dated March 17, 1920, and the Board's Special Authority No. 123, dated March 29, 1920,—

It is ordered: That the said Special Permission No. 50450, as amended, be, and it is hereby, approved with respect to the said traffic moving from points in the United States to destinations in Canada.

S. J. McLEAN,
Assistant Chief Commissioner.

OTTAWA, August 28, 1920.

GENERAL ORDER No. 307

In the matter of reconsigning rules and penalty charges for detention of equipment interstate traffic passing through Canada, and the General Order of the Board No. 305, dated August 19, 1920.

File No. 30451.

It appearing that the Interstate Commerce Commission has suspended clause 2 of the Emergency Penalty Charges authorized by its Special Permission No. 50321, dated July 31, 1920, the said clause 2 reading as follows:—

"On all open top cars and on all cars loaded with coal or coke not released within the free time as prescribed in the National Car Demurrage Rules, J. E. Fairbanks, I.C.C. No. 8, supplements thereto or reissues thereof, a storage charge of \$10 per car per day or fraction of a day will be made until car is released."

It is ordered: That the General Order of the Board No. 305, dated August 19, 1920, be, and it is hereby, amended accordingly.

F. B. CARVELL,
Chief Commissioner.

OTTAWA, September 1, 1920.

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GENERAL ORDER No. 308

In the matter of the application of the Railway Association of Canada, on behalf of the railway companies members thereof and of all other railway companies within the jurisdiction of the Board, for authority to make a general advance of thirty per cent in the tolls at present charged for the carriage of freight by the said companies; and the further application for an additional increase of ten per cent in all freight rates, and an increase of twenty per cent in passenger fares, fifty per cent in sleeping and parlour car rates, forty per cent in the rates on milk, and twenty per cent in the rates for excess baggage.

File No. 29996.

Upon hearing the applications at the sittings of the Board held in Ottawa, August 10, 11, 12, 18, 19, 20, and 21, 1920, in the presence of counsel for and representatives of the Canadian Pacific, Grand Trunk, Canadian Northern, Toronto, Hamilton & Buffalo, New York Central, Essex Terminal, Wabash, and Great Northern Railway companies, the Michigan Central Railroad Company, the Canadian Railway Association, the Canadian Freight Association, the Canadian Manufacturers' Association, the Livestock Dealers' Association, the Canadian Wholesale Grocers' Association, the Canadian Lumbermen's Association, the Retail Merchants' Association of Canada, the Clay Workers' Association, the Canadian Export Paper Company, the Dominion Cannery, Limited, the Carnation Milk Products, Limited, the Riordan Paper Company, the National Dairy Council, the United Farmers of Ontario, the Canadian Council of Agriculture, certain commercial organizations of the Maritime Provinces, the Retail Coal Dealers of Ontario, the Eastern Canada Livestock Union, the Crushed Stone Industries of Ontario, the Western Canada Livestock Union, the Canadian Construction Company, Limited, the Boards of Trade of Winnipeg, Toronto, Montreal, and St. John, the city of Toronto, the Hamilton Chamber of Commerce, the London Chamber of Commerce, the Border Cities Chamber of Commerce, the Provinces of Manitoba, Saskatchewan, and New Brunswick and the Department of Public Highways for the Province of Ontario, the evidence offered and what was alleged; and upon reading the written submissions filed, judgment, dated September 6, 1920, was delivered by the Chief Commissioner, and concurred in by the other members of the Board who heard the application, a certified copy of the said judgment being attached hereto marked "A,"—

It is ordered: That the changes in the tariffs of the companies operating steam railways subject to the jurisdiction of the Board, as set forth in the judgment, which is hereby made part of this order, be, and they are hereby, authorized

F. B. CARVELL,
Chief Commissioner.

OTTAWA, September 9, 1920.

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GENERAL ORDER No. 309

In the matter of the application of the Railway Association of Canada, on behalf of the railway companies members thereof and of all other railway companies within the jurisdiction of the Board, for authority to make a general advance of thirty per cent in the tolls at present charged for the carriage of freight by the said companies; and the further application for an additional increase of ten per cent in all freight rates and an increase of twenty per cent in passenger fares; fifty per cent in sleeping and parlour car rates; forty per cent in the rates on milk, and twenty per cent in the rates for excess baggage.

File No. 29996.

Supplements to the Standard Freight and Passenger Tariffs of the undermentioned railway companies having been filed on the basis prescribed by the Board's judgment, dated September 6, 1920, and General Order No. 308, dated September 9, 1920,—

It is ordered: That the following Supplements to Standard Freight Tariffs of Maximum Mileage Tolls be, and they are hereby, approved; the rate scales of the said tariffs to be published in at least two consecutive weekly issues of the *Canada Gazette*, preceded by the following notice:—

“The undermentioned Supplements to Standard Freight Tariffs having been filed for the approval of the Board of Railway Commissioners for Canada, and being found by the Board to be in accordance with its judgment, dated September 6, 1920, and its General Order No. 308, dated September 9, 1920, and having been approved by its General Order No. 309, dated September 9, 1920, the rate scales thereof are hereby published.”

- Atlantic, Quebec & Western Railway—Supplement No. 1 to C.R.C. No. 26.
- Canadian National Railways—Supplement No. 1 to C.R.C. No. E. 115.
- Canadian Northern Railway—Supplement No. 1 to C.R.C. No. E. 1102.
- Canadian Northern Railway—Supplement No. 1 to C.R.C. No. W. 1132.
- Canadian Pacific Railway—Supplement No. 1 to C.R.C. No. E. 3543.
- Canadian Pacific Railway—Supplement No. 1 to C.R.C. No. W. 2392.
- Central Canada Railway—Supplement No. 1 to C.R.C. No. 33.
- Dominion Atlantic Railway—Supplement No. 1 to C.R.C. No. 576.
- Edmonton, Dunvegan & British Columbia Railway—Supplement No. 1 to C.R.C. No. 86.
- Esquimalt & Nanaimo Railway—Supplement No. 1 to C.R.C. No. 402.
- Glengarry & Stormont Railway—Supplement No. 1 to C.R.C. No. 93.
- Grand Trunk Railway—Supplement No. 1 to C.R.C. No. E. 3957.
- Grand Trunk Pacific Railway—Supplement No. 1 to C.R.C. No. 298.
- Great Northern Railway—Supplement No. 1 to C.R.C. No. 1423.
- Great Northern Railway—Supplement No. 1 to C.R.C. No. 1424.
- Great Northern Railway—Supplement No. 1 to C.R.C. No. 1425.
- Great Northern Railway—Supplement No. 1 to C.R.C. No. 1430.
- Kettle Valley Railway—Supplement No. 1 to C.R.C. No. 174.
- Michigan Central Railroad—Supplement No. 1 to C.R.C. No. 2812.
- Napierville Junction Railway—Supplement No. 1 to C.R.C. No. 198.
- New York Central Railroad—Supplement No. 1 to C.R.C. No. 1650.
- New York Central Railroad—Supplement No. 1 to C.R.C. No. 1681.
- Quebec Central Railway—Supplement No. 1 to C.R.C. No. 681.
- Quebec, Montreal & Southern Railway—Supplement No. 1 to C.R.C. No. 661.
- Quebec Oriental Railway—Supplement No. 1 to C.R.C. No. 37.

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Temiscouata Railway—Supplement No. 1 to C.R.C. No. 328.

Toronto Hamilton & Buffalo Railway—Supplement No. 1 to C.R.C. No. 1227.

It is further ordered: That the following Supplements to Standard Passenger Tariffs of Maximum Mileage Tolls be, and they are hereby, approved; the said Supplements to be published in at least two consecutive weekly issues of the *Canada Gazette*, each preceded by the following notice;—

“The undermentioned Supplement to Standard Passenger Tariffs having been filed for the approval of the Board of Railway Commissioners for Canada, and being found by the Board to be in accordance with its judgment, dated September 6, 1920, and its General Order No. 308, dated September 9, 1920, and having been approved by its General Order No. 309, dated September 9, 1920, is hereby published.”

Canadian Northern Railway—Supplement No. 1 to C.R.C. No. E.1064.

Canadian Northern Railway—Supplement No. 1 to C.R.C. No. W.1492.

Canadian Pacific Railway—Supplement No. 1 to C.R.C. No. E.3187.

Grand Trunk Railway—Supplement No. 1 to C.R.C. No. E.2669.

Grand Trunk Pacific Railway—Supplement No. 2 to C.R.C. No. 660.

Halifax & South Western Railway—Supplement No. 1 to C.R.C. No. P.77.

Michigan Central Railroad—Supplement No. 1 to C.R.C. No. 2441.

Napierville Junction Railway—Supplement No. 1 to C.R.C. No. 92.

New York Central Railroad—Supplement No. 2 to C.R.C. No. 191.

Toronto, Hamilton & Buffalo Railway—Supplement No. 1 to C.R.C. No. 1209.

S. J. McLEAN,
Assistant Chief Commissioner.

OTTAWA, September 9, 1920.

GENERAL ORDER No. 310

In the matter of the application of the Railway Association of Canada, on behalf of the railway companies, members thereof, and of all other railway companies within the jurisdiction of the Board, for authority to make a general advance of thirty per cent in the tolls at present charged for the carriage of freight by the said companies; and the further application for an additional increase of ten per cent in all freight rates and an increase of twenty per cent in passenger fares; fifty per cent in sleeping and parlor car rates; forty per cent in the rates on milk, and twenty per cent in the rates for excess baggage.

File No. 29996.

Supplements to the Standard Freight and Passenger Tariffs of the undermentioned railway companies having been filed on the basis prescribed by the Board's Judgment, dated September 6, 1920, and General Order No. 308, dated September 9, 1920,—

It is ordered: That the following Supplements to Standard Freight and Passenger Mileage Tariffs be, and they are hereby, approved; the said Supplements together with reference to this order to be published in at least two consecutive weekly issues of the *Canada Gazette*:—

FREIGHT

Algoma Central and Hudson Bay Railway—Supplement No. 2 to C.R.C. 478.

Algoma Eastern Railway—Supplement No. 1 to C.R.C. 223.

Central Vermont Railway—Supplement No. 1 to C.R.C. 1295.

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Fredericton and Grand Lake Coal and Railway—Supplement No. 1 to C.R.C. 84.
New Brunswick Coal and Railway—Supplement No. 1 to C.R.C. 51.
Pere Marquette Railway—Supplement No. 1 to C.R.C. 2215.

PASSENGER

Central Vermont Railway—Supplement No. 1 to C.R.C. 502.
Dominion Atlantic Railway—Supplement No. 1 to C.R.C. 404.
Fredericton and Grand Lake Coal and Railway—Supplement No. 1 to C.R.C. 4.
Great Northern Railway—Supplement No. 2 to C.R.C. 1161.
Glengarry and Stormont Railway—Supplement No. 2 to C.R.C. 2.
Midland Railway of Manitoba (Northern Pacific Ry.)—Supplement No. 1 to C.R.C. 317.
New Brunswick Coal and Railway—Supplement No. 1 to C.R.C. 4.
Pere Marquette Railway—Supplement No. 1 to C.R.C. 580.
Quebec Central Railway—Supplement No. 1 to C.R.C. 174.
Wabash Railway—Supplement No. 1 to C.R.C. 996.

S. J. McLEAN,
Assistant Chief Commissioner.

OTTAWA, September 15, 1920.

GENERAL ORDER NO. 311

In the matter of the application of the Railway Association of Canada, on behalf of the railway companies members thereof and of all other railway companies within the jurisdiction of the Board, for authority to make a general advance of 30 per cent in the tolls at present charged for the carriage of freight by the said companies; and the further application for an additional increase of 10 per cent in all freight rates and an increase of 20 per cent in passenger fares; 50 per cent in sleeping and parlour car rates; 40 per cent in the rates on milk; and 20 per cent in the rates for excess baggage.

File No. 29996.

Whereas Standard Freight Tariffs or Supplements thereto of the undermentioned railway companies have been filed on the basis prescribed by the judgment of the Board dated September 6, 1920, and General Order No. 308, dated September 9, 1920,—

It is ordered: That the following Standard Freight Mileage Tariff and Supplements be, and they are hereby, approved; the said tariff and supplements, with a reference to this order, to be published in at least two consecutive weekly issues of the *Canada Gazette*:—

Essex Terminal Railway—C.R.C. No. 544.
Boston & Maine Railroad—Supplement No. 1 to C.R.C. No. 1908.
Maine Central Railroad—Supplement No. 1 to C.R.C. No. C1566.

F. B. CARVELL,
Chief Commissioner.

OTTAWA, September 23, 1920.

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GENERAL ORDER NO. 312

In the matter of the question of the coal supply in Canada; and in the matter of an Order amending the General Order of the Board No. 301, dated the 22nd July, 1920, and the powers conferred upon the Board by Chapter 66 of the Acts of Parliament of Canada, 1920.

File No. 30331.51.

Upon its appearing to the Board that a permit system is essential to render more effective the intent and purpose of General Order No. 301, dated the 22nd day of July, A.D. 1920; and in pursuance of the powers conferred by the said Act, chapter 66, 1920,—

The Board doth order: That the said General Order No. 301, dated the 22nd day of July, A.D. 1920, be, and it is hereby, amended by the addition thereto of the following words, namely: "And in the case of each shipment by water to the United States an export permit must first be secured from this Board".

F. B. CARVELL,
Chief Commissioner.

OTTAWA, September 24, 1920.

GENERAL ORDER NO. 313

In the matter of the General Order of the Board No. 303, dated August 13, 1920, providing that the proportions of through rates, fares, and charges between the United States and Canada, in both directions, in effect at the date of the Order, accruing within Canada, may, by general or blanket supplement to existing tariffs, be increased to conform to the increased rates, fares, and charges authorized by the Interstate Commerce Commission by Order dated July 29, 1920.

File No. 30437.

Whereas by Special Permission No. 50480, dated Washington, D.C., August 26, 1920, the Interstate Commerce Commission authorized United States carriers or their agents to file, upon one day's notice, special supplements correcting increased rates and charges filed under but not in conformity with its Order dated July 29, 1920, as amended August 11 and August 18, 1920,—

It is therefore ordered: That the said General Order of the Board No. 303 be, and it is hereby, amended to provide that the said corrections, where necessary, be made in the general or blanket supplement authorized by the general order of the Board No. 303, dated August 13, 1920, upon one day's notice.

S. J. McLEAN,
Assistant Chief Commissioner.

OTTAWA, September 22, 1920.

GENERAL ORDER No. 314

In the matter of the question of the coal supply of Canada and the powers conferred upon the Board by Chapter 66 of the Acts of the Parliament of Canada, 1920.

File No. 30331.1

Upon its appearing to the Board that there is a real or apprehended scarcity of coal, with a view to conserving the supply and so far as possible ensuring the equitable

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distribution and disposition thereof; in pursuance of the powers conferred upon the Board by the said Act, chapter 66, in amendment to the Railway Act, 1919, and under the said Railway Act,—

The Board orders: That the following "Regulations" governing the control of fuel supplies be, and they are hereby, prescribed for observance and use in Canada, as therein provided:—

REGULATIONS

....

PART A.

INTERPRETATION

(1) In these and all other regulations issued by the Board in its capacity as Fuel Controller for Canada, unless the context otherwise requires,—

(a) "Broker" means a person who buys and sells coal or arranges such transactions between buyer and seller, but in either event does not physically receive and handle the coal.

(b) "Wholesale dealer" means a person who physically handles and sells coal to a retail dealer.

(c) "Retail dealer" means a person who physically handles and sells coal to a consumer.

(d) "Dealer" means any wholesale or retail dealer.

(e) "Consumer" means a user of coal for domestic, industrial, or any other purposes.

(f) "Fuel Administrator" means any individual or board appointed under paragraph 2 of this part.

(g) "Fuel Commissioner" means any individual or board appointed under paragraph 4 of this part.

(h) "Coal" means coal or lignite.

(i) "Person" includes natural persons and bodies corporate.

ORGANIZATION AND LICENSING OF DEALERS

Provincial

(2) The Government of each of the provinces of Canada may appoint a Provincial Fuel Administrator or Board of Administrators for such province, and may create such central provincial organization as may be deemed necessary. Any expense so incurred shall be borne by each province.

(3) The powers and duties of Fuel Administrators so appointed shall, subject to any orders, regulations, or directions of the Board, be as follows:—

(a) To supervise the distribution of all coal and other fuel imported into or made available within such province.

(b) To develop the demand for and supply of wood and other coal substitutes to the greatest possible extent.

(c) To promote and administer any organization prescribed by these regulations within the province.

(d) To gather and compile, in collaboration with the Dominion Bureau of Statistics, statistics dealing with the production and consumption of fuel of all kinds within the province.

(e) To promote within the province the greatest development of any coal areas available.

(f) To issue orders to dealers, consumers, and others within the province regarding the distribution and use of coal.

(g) To license, as hereinafter provided, brokers, dealers, and others desirous of engaging in the business of selling coal.

(h) Generally to assist and advise the Board in regard to fuel matters and the enforcement of any orders or regulations that may from time to time be prescribed by the Board.

Municipal

(4) The council of any municipality may appoint a Local Fuel Commissioner or Board of Fuel Commissioners with such organization as may be deemed necessary. Any expenses so incurred shall be borne by the municipality.

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(5) On the petition of two-thirds of the dealers in any municipality, addressed to the Fuel Administrator, preferring complaint against any Fuel Commissioner, the said Fuel Administrator shall forthwith cause an investigation to be made into the said complaint, and if sufficient cause be shown may call upon the municipality to remove such officer.

(6) The duties of Fuel Commissioners shall be,—

- (a) To co-ordinate the work of fuel dealers in apportioning and delivering coal during any period of fuel scarcity within such municipality.
- (b) To institute when deemed necessary a system of controlling retail coal deliveries through orders on dealers within the municipality issued by the Fuel Commissioner.
- (c) Generally to assist the Fuel Administrator in enforcing such orders and regulations as may from time to time be made by the Board or by the Fuel Administrator.

Dealers' Permits

(7) Any person engaged in or who desires to engage in the business of selling coal as a broker, wholesale or retail dealer may be required by the Provincial Fuel Administrator to apply for a permit as hereinafter set forth in Form "A" or Form "B." Such permit, when issued, must be prominently exposed in the permittee's office, and the Provincial Fuel Administrator may order that no one shall commence the business of selling coal as a broker, wholesaler, or retailer without first obtaining a permit in said Form "A" or "B," as the case may be.

(8) Fees on a basis approved by the Government of any province may be charged for dealers' permits in such province, and such dealers' permits shall only be valid for the coal year within which they are issued.

(9) Dealers or brokers carrying on business and accepting orders for coal in more than one office, or who maintain branch offices within the same municipality or in other municipalities, may be required to secure a permit for each such separate office.

(10) Every application for a dealer's permit shall be in the Form "C," as hereinafter set forth, and shall be mailed by registered letter with all fees payable therefore to the Fuel Administrator for the province within which the applicant conducts business.

(11) On receipt of any application for a dealer's permit and the proper fee therefor, the Fuel Administrator shall, if the application be approved by him, mail to the applicant a receipt for the amount so paid, together with the said permit.

(12) On receipt by the Fuel Administrator of an application for a dealer's permit and the proper fee therefor, if the said application be not approved by him, the said fee shall be returned to the applicant, and a report stating the reason for disapproval shall forthwith be mailed by him to the said applicant.

(13) All fees collected by the Fuel Administrator in respect to dealers' permits shall be paid by him to the Government of the province, and shall be utilized by such province towards defraying any expenses incurred in connection with the Office of the Fuel Administrator for such province.

Cancellation of Permits

(14) In case any broker or dealer fails to obey any directions in writing issued by the Fuel Administrator or the Fuel Commissioner, or is found guilty of having given short weight, or in case there is other sufficient cause as to which the Fuel Administrator shall be the judge, the said Fuel Administrator may forthwith suspend or cancel any permit issued by him upon giving notice to the permittee by registered letter, and may afterwards renew such permit as he may in his discretion see fit.

PART B

LOCAL CONTROL AND DISTRIBUTION

(1) The Fuel Administrator may give directions in writing to the Fuel Commissioner within any municipality respecting the equitable distribution and prompt delivery of coal therein not inconsistent with these regulations or with any orders of the Board that may be in force, and shall file a copy of such directions with the Board. The Fuel Commissioner shall forthwith mail a copy of the said directions to each dealer within the municipality by registered letter.

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Restriction of Coal Deliveries

(2) No dealer shall sell or deliver to a consumer, and no consumer shall receive any quantity of coal which, added to the quantity of such coal which such consumer may then have on hand, would constitute more than an estimated supply sufficient for such percentage of such consumer's normal needs to the 31st March, 1921, as may from time to time be determined by the Fuel Administrator.

(3) When so ordered by the Fuel Administrator, all dealers in any municipality selling coal direct to consumers shall require each consumer to sign a statement in Form "D" hereto.

(4) Notwithstanding the absence of any specific order under paragraph (3) by the Fuel Administrator any dealer selling coal direct to a consumer may require the said consumer to sign a statement in Form "D" hereto.

(5) The production by any dealer of a statement signed by the consumer as set forth in Form "D" hereto shall, if in conformity with Section (2), be prima facie evidence that no breach of section (2) hereof has been made by such seller.

Restricting Use of Coal

(6) The Fuel Commissioner, with the approval of the Fuel Administrator, may by registered letter issue orders to any or all fuel dealers within the municipality prohibiting such fuel dealers from supplying coal for any stated period, or until otherwise directed, to any individual consumer or group of consumers requiring coal for purposes not deemed vitally important.

(7) Upon the written recommendation of the Fuel Commissioner, the council of any municipality may make orders governing the curtailment in the use of coal or wood in public halls or other meeting places within the municipality.

(8) Anthracite coal of what is commonly known as prepared sizes shall not be used by any individual consumer for heating or power purposes except with the written consent of the Fuel Administrator.

(9) Whenever deemed desirable by the Fuel Administrator, he may by registered letter addressed to the Fuel Commissioner or to any consumer in any town or city within his Province, prohibit entirely or limit in any manner he may deem advisable the use of anthracite coal of what is commonly known as prepared sizes in any class of buildings whatsoever within such town or city.

Provided, however, that the owner or agent of any building so restricted may, on showing cause, obtain a permit in writing signed by the Fuel Administrator to use anthracite coal without any restriction.

(10) Whenever any formal order has been issued under paragraph (9) hereof, the Fuel Administrator shall forthwith cause a copy of such order to be inserted in at least one issue of any newspaper published in the town or city affected.

Requisitioning of Coal

(11) When in the judgment of the Fuel Commissioner an emergency exists, he may, subject to the approval of the Fuel Administrator, requisition any quantity of anthracite coal in the possession of any consumer in excess of the supply permitted under section (2) hereof, and may direct the disposal of such excessive supply of coal.

(12) Where a requisition is made pursuant to the provisions of section (11) hereof, the Fuel Commissioner may authorize any local dealer to enter the premises of the consumer named therein and remove therefrom the required quantity of coal, and deliver the same to such person as he may direct. Such dealer shall be liable to pay to the owner of such coal the compensation due to him under section (13) hereof, and may charge the person to whom it is delivered such price per ton as will reimburse him the amount of such compensation plus actual cost of delivery and profit not exceeding twenty-five cents per ton.

(13) The compensation to be paid the owner of any coal so requisitioned shall be the actual value of the said coal at retail at the time of such requisitioning, or at his option, the actual cost at the time of purchase plus seven per cent interest to date of requisition. In case of disagreement the decision of the Fuel Commissioner shall be final.

(14) For his information and assistance in carrying out the provisions of paragraphs (11), (12), and (13) hereof, the Fuel Administrator may require the council of any municipality:—

- (a) To cause an immediate and independent investigation to be made into the local fuel situation, and to report the result to him.

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- (b) To state by formal resolution whether or not in its opinion an emergency justifying requisitioning of coal under the preceding provisions actually exists.
- (c) To submit to him recommendations with regard to any matter connected therewith.

Delivery Facilities

(15) The Fuel Commissioner may, by written notice directed to any fuel dealer, carter, or any other person within the municipality, requisition the use of any horse, wagon, sleigh, and other delivery equipment owned by or being in the custody of such person for the purpose of expediting coal deliveries during any period when an emergency is deemed by such Fuel Commissioner to exist. He shall also fix the remuneration and make directions for the use of such equipment.

Reports and Notices

(16) The Fuel Commissioner may, by written notice, require any dealer within the municipality to furnish him daily with statements showing—

- (a) Tonnage of coal of various classes received the previous day and total quantity on hand.
- (b) A list of orders for coal booked by him the previous day.
- (c) A list of coal deliveries showing quantity by class and name and address of each recipient made by him the previous day.
- (4) The prices charged for coal so delivered.

(17) Every retail coal dealer may be required by the Fuel Commissioner to post in a prominent place in that portion of his office to which the public has access, a conspicuous typewritten or printed notice containing a list of prevailing retail prices of all classes and sizes of coal handled by him with cash discounts allowed, if any.

(18) Every retail coal dealer may be required to notify the Fuel Commissioner of any proposed changes in the selling prices of coal or extra charges to be imposed for long haul deliveries, or for any other reason, or for deduction made from standard prices in connection with yard deliveries.

PROSECUTIONS AND PENALTIES

(19) No information shall be laid by anyone excepting the Board against any dealer or broker without first submitting the facts to the Fuel Administrator and obtaining his consent in writing, and in all cases where information is laid by any municipal authority under these regulations, such municipality shall be entitled to receive all fines imposed in such cases.

(20) Any (a) dealer or other person contravening any of the provisions of these regulations, or failing to observe any directions of the Board or of the Fuel Administrator under these regulations, or making a false statement in the form set out in paragraphs (3), (4), or (16) of Part B hereof, knowing the same to be false; or (b) consumer of coal who, within ten days following the receipt of any request in writing from the Provincial Fuel Administrator or from the Local Fuel Commissioner, fails to furnish any information so called for respecting the fuel requirements or consumption for any specified period, or respecting the heating or power equipment of any premises occupied by him or in his charge as tenant, agent, or owner, or who furnishes false information in such matters to the said Fuel Administrator or Fuel Commissioner knowing the same to be false, shall be guilty of an offence, and shall be liable for each such offence to a penalty of not less than \$20 and not more than \$5,000, in the discretion of the court before which the same is recoverable.

(21) Where an information is laid against any dealer or broker for an offence under paragraph (12) hereof, the onus shall be upon the defendant to establish that the prices charged by him did not exceed those authorized by these regulations.

S. J. McLEAN,

Assistant Chief Commissioner.

OTTAWA, October 5, 1920.

SESSIONAL PAPER No. 20c

GENERAL ORDER No. 314

FORM "A"

PERMIT TO ACT DURING THE COAL YEAR 1920-21 AS BROKER, WHOLESALE DEALER, OR RETAIL DEALER IN COAL PRODUCED IN CANADA EXCLUSIVELY.

In accordance with the General Order No. 314 of the Board of Railway Commissioners for Canada, under paragraph 7 of Part "A" of the said Order, dated the 5th October, 1920, permission is hereby granted to.....
..... of
to act as broker, wholesale or retail dealer in coal produced in the Dominion of Canada exclusively.

This permit is not transferable, and is valid until the 31st March, 1921, only.

The issuance of this permit does not relieve the above concern of the necessity for obtaining any other permit or license that may be required under Dominion, provincial, municipal or other authority.

.....
Fuel Administrator for the Province of
.....

Date.....192..

(This permit to be issued in triplicate, one copy to be mailed or delivered to (a) the permittee, one to (b) the Board of Railway Commissioners for Canada, and one (c) to be retained by the Provincial Fuel Administrator issuing the same.)

FORM "B"

PERMIT TO ACT AS BROKER, WHOLESALE DEALER, OR RETAIL DEALER IN COAL IN CANADA FOR THE COAL YEAR 1920-21.

In accordance with General Order No. 314 of the Board of Railway Commissioners for Canada, under paragraph 7 of Part "A" of the said Order, dated the 5th October, 1920, permission is hereby granted to.....
..... of
to act as broker, wholesale dealer, or retail dealer in coal in the Dominion of Canada.

This permit is not transferable, and is valid until the 31st of March, 1921, only.

The issuance of this permit does not relieve the above concern of the necessity for obtaining any other permit or license that may be required under Dominion, provincial, municipal, or other authority.

.....
Fuel Administrator for the Province of
.....

Date.....192..

(Permit to be issued in triplicate, one copy to be mailed or delivered to (a) the permittee, one to (b) the Board of Railway Commissioners for Canada, and one (c) to be retained by the Provincial Fuel Administrator issuing the same.)

FORM "C"

APPLICATION FOR COAL DEALER'S PERMIT

Date.....

SIR,—Under paragraph (10) of Part "A" of General Order No. 314 of the Board of Railway Commissioners for Canada, dated the 5th October, 1920, application is hereby made for a permit to act as broker, wholesale, or retail dealer in coal in Canada, as indicated hereunder.

.....
(State whether broker, wholesale dealer, or retail dealer.)

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During the twelve months commencing the 1st of April, 1919, and ending the 31st March, 1920, the amount of coal of all grades delivered by us was..... net tons, and I hereby certify that the above information is correct.

Strike out either paragraph (a) or paragraph (b), so as to show which kind of permit is desired.

- (a) I desire a permit to deal in coal produced in Canada only;
or
(b) I desire a permit to deal wholly or partly in imported coal.

Remittance of \$..... is enclosed herewith, based on the scale of fees set forth below.

The permit should be made out in the name of.....
(State name of company or firm in full.)

All communications from the Board of Railway Commissioners for Canada or the Provincial Fuel Administrator should be addressed to.....
(State name of official and position.)
at this address.....
(State address.)

Name of company or firm.....

Name of official or partner.....

This application must be signed by an official or a partner.

Scale of Fees Payable to Fuel Administrator for Dealer's Permits.
(To be set forth hereunder.)

FORM "D"

Consumer's Statement under paragraph (3), Part "B," of the General Order of the Board of Railway Commissioners for Canada, No. 314, dated the 5th October, 1920.

..... of
(Name of applicant) (city, town, or village)
in hereby applies to
(Street and number) (Name of Dealer)
coal dealers for tons of
..... tons of
..... tons of
making a total of tons of anthracite coal
and tons of other coal.

It is hereby certified

(1) That the undersigned now has on hand at the premises.....
(Street and number)
for which the said coal is required, the following estimated quantities of the same class and grade of coal, namely:

..... tons of
..... tons of
..... tons of
making a total of tons of anthracite coal, and
..... tons of other coal.

(2) That the applicant's total normal requirements for the said premises of the same class and grades of coal for the year ending 31st March, 1921, are estimated at tons of anthracite, prepared sizes, including pea tons of anthracite, smaller varieties;..... tons of bituminous.

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(3) That during the year ending 31st March, 1920, the undersigned actually used for the said premises the following coal:

.....tons of anthracite, prepared sizes, including pea
tons of anthracite, smaller varieties.
tons of bituminous.

(4) That this is the only order given by the applicant for any coal of the same class or grade as now applied for since the 1st of April, 1920, except as follows:

.....

(5) That the quantity applied for above, together with the quantity of the same class or grades which the undersigned now has on hand, will not exceed the maximum supply permitted under paragraph (2), Part "B," of the General Order of the Board of Railway Commissioners for Canada, and any amendments thereto, issued through the Fuel Administrator or otherwise.

(6) The undersigned (if a farmer) hereby affirms that he has no supply of wood available on his property.

The foregoing statement is declared to be correct in every particular.

Dated at this
 day of 192..

.....
 (Signature of applicant)

Witness

I certify that the above order is accepted and entered on our books.

.....
 (Signature of applicant)

Important.—This form must be mailed to the Local Fuel Commissioner. If no such officer is available, it must be kept on file by the dealer until such time as a Local Fuel Commissioner is appointed.

 GENERAL ORDER No. 315

In the matter of the application of the Department of Health for the Dominion of Canada, hereinafter called the "applicant," under the provisions of the Railway Act, 1919, for permission to place signs dealing with the prevention and spread of venereal disease in coaches and railway station lavatories of railway companies operating in Canada under the jurisdiction of the Board.

File No. 30525

Upon its being represented to the Board that the signs in question are issued under the authority of the Department of Health of the Dominion of Canada, and reading what is filed in support of the application,—

The Board orders: That permission be granted the applicant to place signs dealing with the prevention and spread of venereal disease in all coaches and station lavatories of railway companies in Canada subject to the jurisdiction of the Board: Provided that a notation be carried on the bottom of each copy of the sign set up or placed under the provisions of this order to the effect that the same is issued under the authority of the Department of Health for the Dominion of Canada.

OTTAWA, September 29, 1920.

S. J. McLEAN,
Assistant Chief Commissioner.

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GENERAL ORDER No. 316

In the matter of the question of the coal supply of Canada; and in the matter of expediting the transportation performance of coal-carrying equipment in Canada, and the powers conferred upon the Board by Chapter 66 of the Acts of the Parliament of Canada, 1920.

File No. 30331.4001

Upon its appearing to the Board that there is a shortage of coal-carrying equipment, and that the rate at which coal cars have been and are being unloaded is impeding the full utilization of available equipment; and in pursuance of the powers conferred by the said Act, chapter 66, 1920,—

The Board doth order: That whenever, by reference from the Board or otherwise, it comes to the knowledge of the Fuel Administrator for the time being of any province, duly appointed by the Government of such province, that any freight car containing coal or coke has remained under load at its destination or elsewhere on any railway in Canada for a longer period than six days after arrival, the Fuel Administrator may notify the consignee by registered mail or by telegram that unless the said car is unloaded, or furtherance order given as the case may be, within two days after date of such notice, the Fuel Administrator will take the action hereinafter outlined, and the Fuel Administrator may thereupon authorize the railway company to seize the contents of the said car and summarily offer the same for sale to the municipality at which the said car is seized, and to any coal or coke dealers at the said point, and to sell the same to the municipality or the dealer offering the highest price therefor; and after paying all charges that may be due and chargeable thereon, as well as the expenses connected with the seizure and sale, the railway company shall pay the balance, if any, of the proceeds of such sale to the consignee or to the consignor, as their interest may appear.

➤ *The Board doth further order:* That any Fuel Administrator taking action under the foregoing paragraph shall thereupon report to the Board what action has been taken by him, together with recommendations for any further action he may deem necessary.

S. J. McLEAN,

Assistant Chief Commissioner

OTTAWA, October 5, 1920.

GENERAL ORDER No. 317

In the matter of the application of the Railway Association of Canada, on behalf of railway companies subject to the jurisdiction of the Board, for free transportation under Section 345 of the Railway Act, 1919.

File No. 496.29

Upon reading the application and considering what has been urged in support thereof,—

The Board orders: That the railway companies subject to the jurisdiction of the Board be, and they are hereby, permitted, until further Order, to issue free transportation in the following instances, namely:—

- (a) Agents of the Immigration and Colonization Departments, Provincial Governments of Ontario, Quebec, New Brunswick, Nova Scotia, and Prince Edward Island, actually accompanying parties of immigrants from the Atlantic seaboard to points within their respective provinces, or when travelling to the seaboard for this purpose.

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- (b) Railroad Y.M.C.A. officers and employees bona fide engaged in railway work and dependent members of their families over railway upon which railroad branch of Y.M.C.A. at which employed is located; also such general officers of the Y.M.C.A. as are bona fide engaged in railway work.
- (c) Such officers and agents of the Salvation Army as are bona fide engaged in immigration work.

OTTAWA, October 27, 1920.

S. J. McLEAN,
Assistant Chief Commissioner.

GENERAL ORDER No. 318

In the matter of the General Order of the Board No. 314, dated October 5, 1920. adopting regulations governing the control of fuel supplies.

File No. 30331.1.

Whereas it is deemed desirable by the Board that the said regulations be amended to provide for the distribution of coal at fair and reasonable prices,—

It is accordingly ordered: That the said General Order No. 314, dated October 5, 1920, be, and it is hereby, amended by substituting for paragraph (h) in section 3, part "A" of the order the following, namely:—

"(h) To fix and determine, in case of need and subject to the approval of the Government of the province, the maximum prices at which any or all classes and grades of fuel may be sold and distributed within any municipality,"

And adding, as paragraph (i) to the said section 3, the following:

"(i) Generally to assist and advise the Board in regard to fuel matters and the enforcement of any orders or regulations that may from time to time be prescribed by the Board."

OTTAWA, November 13, 1920.

S. J. McLEAN,
Assistant Chief Commissioner.

GENERAL ORDER No. 319

In the matter of the complaint of the Premier Milling Company of Portage la Prairie, Manitoba, against the increase, on August 26, 1920, of the charge for milling grain in transit in Canada in connection with the International movement from one to one and one-half cents per one hundred pounds.

File No. 8641.16.

Upon its appearing that the Canadian Pacific and the Grand Trunk Pacific Railway Companies on October 25, 1920, and the Canadian National Railways on November 1, 1920, voluntarily reduced the said charge for milling grain in transit in Canada to one cent per one hundred pounds; upon reading what is alleged in support of the complaint and on behalf of the Winnipeg Board of Trade and the Canadian Pacific Railway Company; and upon report and recommendation of the Chief Traffic Officer of the Board,—

It is declared: That the proper charge for milling in transit within Canada of grain, the product of which is reshipped to the United States, was one cent per one hundred pounds on and after the 26th day of August, 1920.

OTTAWA, November 30, 1920.

F. B. CARVELL,
Chief Commissioner.

11 GEORGE V, A. 1921

GENERAL ORDER No. 320

In the matter of the application of the National Dairy Council of Canada, hereinafter called the "Applicants" for an Order requiring the carriage of pasteurized cream by express at the rates for ordinary cream.

File No. 4397.53.

Upon hearing the application at the sittings of the Board held in Ottawa, November 3, 1920, the applicants, the Express Traffic Association of Canada, and the Dominion and Canadian Express Companies being represented at the hearing, and what was alleged,—

The Board orders: That pasteurized cream be carried by express companies subject to the jurisdiction of the Board at the same rates as ordinary cream; and that the Express Classification for Canada No. 4, and special tariffs published and filed to apply on "Cream." be amended accordingly.

F. B. CARVELL,
Chief Commissioner.

OTTAWA, December 9, 1920.

GENERAL ORDER No. 321

In the matter of Sections 167 and 170 of the Railway Act, 1919,, and the question of the form evidence of the Board's approval of route maps or location plans thereunder shall take.

File No. 29383.1.

The matter having been considered at a meeting of the Board held in the Chief Commissioner's office, Tuesday, November 30, 1920, at which were present the Chief Commissioner, the Assistant Chief Commissioner, the Deputy Chief Commissioner, and Commissioners Boyce and Rutherford, it was decided that all route maps and location plans approved and sanctioned by the Board be signed by the Chief Commissioner.

The Board accordingly so orders and declares.

F. B. CARVELL,
Chief Commissioner.

OTTAWA, December 2, 1920.

GENERAL ORDER No. 322

In the matter of the complaint of the Brotherhood of Locomotive Engineers and the Brotherhood of Locomotive Firemen and Enginemen with regard to Special Instruction "E" Canadian Pacific Railway Timetable, covering station limits.

File No. 4135.26.

Upon hearing the complaint at the sittings of the Board held in Ottawa, November 4, 1919, the complainants, the Canadian Pacific Railway Company, and the Canadian National Railways being represented at the hearing, and what was alleged,—

The Board Orders: That all railway companies subject to the jurisdiction of the Board be required to withdraw Special Instruction "E" from their respective working timetables, and hereafter observe the Uniform Code of Rules for Canadian railways approved by the General Order of the Board No. 42, dated July 12, 1909; the necessary changes and instructions to employees to become effective on the 1st day of June, 1921.

F. B. CARVELL,
Chief Commissioner.

OTTAWA, December 10, 1920.

SESSIONAL PAPER No. 20c

GENERAL ORDER No. 323

In the matter of the application of railway companies subject to the jurisdiction of the Board for approval of reduced standard passenger fares, to become effective January 1, 1921.

File No. 29996.25.

Whereas supplements to standard passenger tariffs have been filed by the under-mentioned railway companies, to become effective January 1, 1921, on the reduced basis prescribed by the judgment of the Board dated September 6, 1920, and General Order No. 308, dated September 9, 1920,—

The Board Orders: That the following supplements to standard passenger tariffs be, and they are hereby, approved; the said supplements to be published in at least two consecutive weekly issues of the *Canada Gazette*, prescribed by the following notice:—

“The undermentioned supplements to standard passenger tariffs, effective January 1, 1921, having been filed for the approval of the Board of Railway Commissioners for Canada, and having been found by the Board to be in accordance with its judgment, dated September 6, 1920, and its General Order No. 308, dated September 9, 1920, and having been approved by its General Order No. 323, dated December 14, 1920, the same are hereby published.”

C.R.C. No.

Boston & Maine Railroad.....	Supplement No. 2 to	305
Canadian National Railways.....	Supplement No. 2 to	
	Canadian Northern	E-1064
Canadian National Railways.....	Supplement No. 3 to	
	Canadian Northern	W-1492
Canadian National Railways.....	Supplement No. 2 to	
	H. & S. W.	P-77
Canadian Pacific Railway.....	Supplement No. 2 to	E-3187
Central Vermont Railway.....	Supplement No. 3 to	502
Dominion Atlantic Railway.....	Supplement No. 2 to	404
Fredericton & Grand Lake Coal and Railway	Supplement No. 2 to	4
Glengarry & Stormont Railway.....	Supplement No. 3 to	2
Grand Trunk Pacific Railway.....	Supplement No. 3 to	660
Grand Trunk Railway.....	Supplement No. 3 to	E-2669
Great Northern Railway.....	Supplement No. 3 to	1161
Maine Central Railroad.....	Supplement No. 3 to	214
Michigan Central Railroad.....	Supplement No. 3 to	2441
Napierville Junction Railway.....	Supplement No. 3 to	92
New Brunswick Coal & Railway.....	Supplement No. 2 to	4
New York Central Railroad.....	Supplement No. 4 to	191
Northern Pacific Railway (Midland Railway Company of Manitoba) ..	Supplement No. 2 to	317
Pere Marquette Railway..	Supplement No. 2 to	580
Quebec Central Railway..	Supplement No. 2 to	174
Toronto, Hamilton & Buffalo.....	Supplement No. 2 to	1209
Wabash Railway.....	Supplement No. 2 to	996

F. B. CARVELL,
Chief Commissioner.

OTTAWA, December 14, 1920.

GENERAL ORDER No. 324

In the matter of the application of railway companies subject to the jurisdiction of the Board for approval of reduced standard freight tariffs of maximum mileage tolls. to become effective January 1, 1921.

File No. 29996.25.

Whereas standard freight tariffs have been filed by the undermentioned railway companies, to become effective January 1, 1921, on the reduced basis prescribed by the judgment of the Board dated September 6, 1920, and General Order No. 308, dated September 9, 1920,—

The Board Orders: That the following standard freight tariffs of maximum tolls be, and they are hereby, approved; the rate scales of the said tariffs to be published in at least two consecutive weekly issues of the *Canada Gazette* preceded by the following notice:—

“The undermentioned standard freight tariffs having been filed for the approval of the Board of Railway Commissioners for Canada, and having been found by the Board to be in accordance with its judgment, dated September 6, 1920, and its General Order No. 308, dated September 9, 1920, and having been approved by the General Order of the Board No. 324, dated December 14, 1920, the rate scales thereof are hereby published.”

	C.R.C. No.
Algoma Central & Hudson Bay Railway.....	556
Algoma Eastern Railway	287
Atlantic, Quebec & Western Railway.....	83
Boston & Maine Railroad.....	2047
British Columbia Electric Railway.....	164
Canadian National Railways	{ E-177
	{ E-178
	{ W-110
Canadian Pacific Railways	{ E-3796
	{ W-2545
Central Vermont Railway	1549
Cumberland Railway & Coal Company.....	13
Dominion Atlantic Railway	643
Esquimalt & Nanaimo Railway.....	468
Essex Terminal Railway	553
Fredericton & Grand Lake Coal & Railway.....	103
Glengarry & Stormont Railway	149
Grand Trunk Railway	E-4366
Grand Trunk Pacific Railway	424
	{ 1627
Great Northern Railway	{ 1628, 1629
	{ 1630
Kettle Valley Railway	251
Maine Central Railroad	C-1945
Michigan Central Railroad	2978
Napierville Junction Railway	233
New Brunswick Coal & Railway	70
New York Central Railroad	2269, 2270
Pere Marquette Railway	2316

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	C.R.C. No.
Quebec Central Railway	744
Quebec Oriental Railway	101
Temiscouata Railway	413
Thousand Island Railway	381
Toronto, Hamilton & Buffalo Railway	1295

F. B. CARVELL,
Chief Commissioner.

OTTAWA, December 14, 1920.

GENERAL ORDER No. 325

In the matter of the question of the adoption of a standard size for cattle-pass construction.

File No. 27497.2.

Upon reading what has been filed in this matter on behalf of the railway companies, the reports of the Chief and the Assistant Chief Engineers of the Board; and in pursuance of the powers conferred upon it by Sections 272 and 287 of the Railway Act, 1919, and of all other powers possessed by the Board in that behalf,—

The Board Orders: That all cattle passes hereafter constructed by railway companies within the legislative authority of the Parliament of Canada be at least five feet wide and six feet high, which dimensions are hereby required to be adopted as a standard for cattle-pass construction, unless otherwise ordered by the Board where, upon application, it is shown that special conditions call for a departure from such standard.

F. B. CARVELL,
Chief Commissioner.

OTTAWA, December 20, 1920.

CIRCULAR NO. 186

January 5, 1920.

RULES FOR WIRES ERECTED ALONG OR ACROSS RAILWAYS

Case 4704.

Referring to Circular No. 167, dated June 19, 1918, to the effect that under the provisions of the old Act and the amendment of 1911, section 7, c. 22, General Order No. 231, dated May 6, 1918, and the rules thereby adopted and confirmed, applied only to construction *across* a railway.

Section 372 of the Railway Act, 1919, is not so limited and applies to construction *along* as well as *across* a railway.

Where, therefore, the construction, whether along or across the railway, is by consent and in accordance with the Standard Conditions and Specifications set out in the schedule to General Order No. 231, and approved by that order, no further leave of the Board is necessary.

Yours truly,

A. D. CARTWRIGHT,
Secretary.

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CIRCULAR No. 187

February 10, 1920.

SPECIAL ORDERS DISPENSING WITH STANDARD CLEARANCES

File 1750.18

It has been decided by the Board that in future wherever the standard clearances provided by General Orders of the Board are relaxed upon special conditions, the order granting the less-than-standard clearances will be subject to the condition that the applicant company undertake to keep its employees off the tops and sides of cars (as the particular case may call for) when operating on the sidings or tracks and so long as the said undertaking shall be performed.

By Order of the Board,

A. D. CARTWRIGHT,
Secretary, B.R.C.

CIRCULAR No. 188

March 9, 1920.

PROCEDURE BY BOARD AS TO SERVICE

File 8654.

In correspondence with the Board, various railway companies contend that there would be a saving of time in handling complaints if, in cases where complaints are forwarded to the Board and the Board assumes the burden of making service thereof, the complaints were taken up with the legal department of the railway instead of being handled through the local agent in Ottawa.

The Board desires each railway company to intimate the practice which it prefers to have carried out in this respect.

After the written submissions have been considered, the modifications, if any, which may be introduced by the Board in respect of service of complaints will in no way supersede the provisions of section 55 of the Railway Act and in particular will not modify the obligation provided for in subsection 2 of section 55 as to the maintenance of an agency book in the office of the Secretary, said book to contain the information as provided for in the subsection.

By Order of the Board,

A. D. CARTWRIGHT,
Secretary.

CIRCULAR No. 189

March 29, 1920.

File 18540.25.

Re CHANGING THE NAMES OF STATIONS

Applications are from time to time made to the Board by the residents of different localities for orders requiring railway companies to change the names of stations along their respective lines of railway, to which replies have invariably been made that the Board has no power to make the orders applied for; that the railway companies themselves are the proper, in fact the only, parties to afford relief in such cases, unless, as has happened in some instances, a change in the name of a post office is desired, when, of course, the application would be to the Post Office authorities at Ottawa.

SESSIONAL PAPER No. 20c

It is deemed advisable that the information be set out in the form of a circular for insertion in the printed Judgments, Orders, Regulations, and Rulings of the Board, to be available for reference and as a ruling of the Board for the benefit of the residents of any community desiring in the future a change in the name of a station or post office.

By Order of the Board,

A. D. CARTWRIGHT,
Secretary.

CIRCULAR No. 190

May 20, 1920.

REPORTING OF ACCIDENTS

File No. 45.

In connection with General Order No. 244, dated July 26, 1918, as amended by General Order No. 251, the Board desires to point out that section 285 of the Railway Act of 1919 defines the words "conductor or other employee," referred to in clause 2 of the said general order, as follows:—

"The conductor or other employee in charge of the train, place or structure in connection with which such accident occurred".

The Board further desires to point out that strict compliance with the said general order will be expected, and to say that, in every case where the railway, or its conductor or other employee, either wilfully or negligently fails to carry out the said requirements, the imposition of penalties, as provided for in section 412 of the Railway Act, will be enforced.

For the better information of the railways, and the conductor or other employee, section 412 is subjoined:—

"412. (1) Every railway company which wilfully or negligently omits to give immediate notice as by this Act required, with full particulars, to the Board of the occurrence, upon the railway belonging to such company, of any accident attended with serious personal injury to any person using the railway, or to any employee of the company, or whereby any bridge, culvert, viaduct or tunnel on or of the railway has been broken, or so damaged as to be impassable or unfit for immediate use, shall forfeit to His Majesty the sum of two hundred dollars for every day during which the omission to give such notice continues.

(2) Every conductor or other employee who makes a report to the company of the occurrence of any such accident and fails, wilfully or negligently, to notify the Board of the same by telegraph as soon as possible after such accident, is guilty of an offence and liable, on summary conviction, to a penalty not exceeding one hundred dollars".

Railway companies are required to see that a copy of this circular is placed in the hands of all concerned.

By Order of the Board,

A. D. CARTWRIGHT,
Secretary.

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